



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Meeting of the Parliament

**Tuesday 25 April 2017**

**Session 5**



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**Tuesday 25 April 2017**

**CONTENTS**

	<b>Col.</b>
<b>TIME FOR REFLECTION</b> .....	1
<b>TOPICAL QUESTION TIME</b> .....	3
Queen Elizabeth University Hospital (Staff) .....	3
Poverty Alliance Survey .....	6
<b>CHILD TAX CREDIT CUTS</b> .....	9
<i>Motion moved—[First Minister].</i>	
<i>Amendment moved—[Ruth Davidson].</i>	
<i>Amendment moved—[Kezia Dugdale].</i>	
<i>Amendment moved—[Alison Johnstone].</i>	
The First Minister (Nicola Sturgeon) .....	9
Ruth Davidson (Edinburgh Central) (Con) .....	13
Kezia Dugdale (Lothian) (Lab) .....	19
Alison Johnstone (Lothian) (Green) .....	22
Christina McKelvie (Hamilton, Larkhall and Stonehouse) (SNP) .....	25
Adam Tomkins (Glasgow) (Con) .....	27
Sandra White (Glasgow Kelvin) (SNP) .....	30
Alex Cole-Hamilton (Edinburgh Western) (LD) .....	32
Ben Macpherson (Edinburgh Northern and Leith) (SNP) .....	34
Claire Baker (Mid Scotland and Fife) (Lab) .....	36
Ruth Maguire (Cunninghame South) (SNP) .....	39
Rachael Hamilton (South Scotland) (Con) .....	41
Gillian Martin (Aberdeenshire East) (SNP) .....	43
Ross Greer (West Scotland) (Green) .....	45
Pauline McNeill (Glasgow) (Lab) .....	48
Donald Cameron (Highlands and Islands) (Con) .....	50
The Cabinet Secretary for Communities, Social Security and Equalities (Angela Constance) .....	53
<b>AIR DEPARTURE TAX (SCOTLAND) BILL: STAGE 1</b> .....	58
<i>Motion moved—[Derek Mackay].</i>	
The Cabinet Secretary for Finance and the Constitution (Derek Mackay) .....	58
Bruce Crawford (Stirling) (SNP) .....	63
Murdo Fraser (Mid Scotland and Fife) (Con) .....	65
Neil Bibby (West Scotland) (Lab) .....	68
Maree Todd (Highlands and Islands) (SNP) .....	71
Liam Kerr (North East Scotland) (Con) .....	73
Willie Coffey (Kilmarnock and Irvine Valley) (SNP) .....	76
Neil Findlay (Lothian) (Lab) .....	78
Patrick Harvie (Glasgow) (Green) .....	81
Mike Rumbles (North East Scotland) (LD) .....	83
Kate Forbes (Skye, Lochaber and Badenoch) (SNP) .....	85
Rachael Hamilton (South Scotland) (Con) .....	87
Ivan McKee (Glasgow Provan) (SNP) .....	88
James Kelly (Glasgow) (Lab) .....	91
Dean Lockhart (Mid Scotland and Fife) (Con) .....	92
Derek Mackay .....	95
<b>AIR DEPARTURE TAX (SCOTLAND) BILL: FINANCIAL RESOLUTION</b> .....	99
<i>Motion moved—[Derek Mackay].</i>	
<b>CRIMINAL FINANCES BILL</b> .....	101
<i>Motion moved—[Michael Matheson].</i>	
<b>DECISION TIME</b> .....	102
<b>EARTH HOUR 2017</b> .....	116
<i>Motion debated—[Maurice Golden].</i>	
Maurice Golden (West Scotland) (Con) .....	116
Graeme Dey (Angus South) (SNP) .....	118
Finlay Carson (Galloway and West Dumfries) (Con) .....	120

Claudia Beamish (South Scotland) (Lab) ..... 121  
Mark Ruskell (Mid Scotland and Fife) (Green) ..... 123  
Ash Denham (Edinburgh Eastern) (SNP)..... 124  
John Scott (Ayr) (Con)..... 125  
The Cabinet Secretary for Environment, Climate Change and Land Reform (Roseanna Cunningham). 127

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# Scottish Parliament

*Tuesday 25 April 2017*

*[The Presiding Officer opened the meeting at 14:00]*

## Time for Reflection

**The Presiding Officer (Ken Macintosh):** Good afternoon. The first item of business is time for reflection, for which our leader is the Rev Derek Lamont, senior minister at St Columba's Free Church of Scotland, Edinburgh.

**The Rev Derek Lamont (St Columba's Free Church of Scotland):** Presiding Officer and members of the Scottish Parliament, thank you for the opportunity to address you. I imagine that being an MSP is not always what it is cracked up to be. I salute your commitment to serving the public. I am sure that you are often misunderstood and sometimes misrepresented, which can be isolating. You work unsocial hours, commuting far and wide, staying away from family and friends, listening to everyone else's problems and shaking a thousand hands. I am sure that you are wary of letting your guard down with the media and being too personal. It is a bit like being film stars, but I am not sure that you think that that is the case.

Leadership can be a lonely place. As a society, we all face the challenges of isolation and loneliness, particularly among our youth, who are in their electronic world of one-dimensional friendships. There is old age, with its loss of friends and family, as well as poverty, unemployment, having the wrong opinions, busyness and not being like everyone else—there are a thousand challenges today in our sophisticated, first-world society.

I am a minister in the Free Church of Scotland, which is an old Christian denomination. Our roots, at least since around 1900, have had strong Highland connections. We now aspire to be a church for the whole of Scotland, and I value greatly the privilege of having been the minister of St Columba's in my home city of Edinburgh for the past 16 and a half years, and your neighbour at the top of the Royal Mile.

Our Highland flavour has often been derided in the past, and maybe even still is by some, but it offers a perspective on family, community and belonging that fits in well with the Christian message of reconciliation with God through Christ. He uniquely understands loneliness. As the book of Isaiah prophesied of his short life, he was "despised and rejected". His death and resurrection, celebrated by the Christian community recently at Easter, offer an end to

spiritual desolation and loneliness and inspire us to live and love others sacrificially.

We love community and we hope that, through our commitment to it, as we open our hearts and homes to all, whatever their convictions, religion, ethnicity, orientation or politics, we can inspire something new. With an unqualified attitude of Christ-motivated love and service, we want to reach out into communities throughout Scotland to dispel loneliness. Provoking an opportunity to share our faith in such a way breaks down barriers and helps us to better understand each other and the gospel that has transformed our lives.

Thank you.

## Topical Question Time

14:03

### Queen Elizabeth University Hospital (Staff)

1. **Alex Cole-Hamilton (Edinburgh Western) (LD):** To ask the Scottish Government what its response is to claims that staff at the Queen Elizabeth university hospital are “incredibly stressed” and that the hospital is “very short staffed”. (S5T-00525)

**The Cabinet Secretary for Health and Sport (Shona Robison):** First, I pay tribute to the unstinting professionalism and dedication exhibited by the staff at the Queen Elizabeth university hospital in Glasgow, as seen in last night’s BBC documentary. All national health service boards, including NHS Greater Glasgow and Clyde, have a statutory responsibility to carry out and actively monitor workforce planning. That ensures that high-quality services continue to be delivered safely while boards remain responsive to the needs of staff, not least through effective partnerships with their professional and union representatives.

Under the current Government, the number of staff in NHS Greater Glasgow and Clyde is up by 3.7 per cent to 34,385 whole-time equivalent staff, with the number of consultants up by 38.4 per cent and the number of qualified nurses and midwives up by 5.5 per cent.

Although the numbers of doctors and nurses are up, I recognise that there is increasing demand on services, which has an impact on staff. That is why it is so important for health boards to continuously improve their workforce planning. The Government is providing them with the tools to do so.

**Alex Cole-Hamilton:** I absolutely share the cabinet secretary’s sentiment about the staff. I watched the BBC documentary last night, in which the dedication of the staff shone through. We could not fail to be impressed by their expertise and the care that they provide, and the facilities are evidently first class. However, the Royal College of Nursing has said that the pressure that staff are under because there are too few of them makes it

“really hard to deliver care”.

It added that there is

“real strain on the services”.

Can the cabinet secretary tell the staff and patients at the Queen Elizabeth university hospital when they will see a material improvement and what plans there are to increase the number of staff at that hospital?

**Shona Robison:** Of course I saw the RCN’s comments. We engage closely with the RCN at the national level, and we expect NHS Greater Glasgow and Clyde to engage with it at a local level, too.

To ensure that staffing levels are appropriate, staffing levels are reviewed at the hospital’s daily safety huddle. When staff are absent or posts are vacant, additional staff are sought, and it is important that that happens. The board has also assured me that it holds regular meetings with the staff-side partners to ensure that any concerns that have been raised with them are addressed.

As I said in my initial answer, we have seen an increase in staff across the NHS in Scotland, which includes a 5.5 per cent increase in qualified nurses and midwives in NHS Greater Glasgow and Clyde. We have the workforce planning tools, which are very good—in fact, they have been replicated by other health systems—but we want to go further than that, which is why we have committed to enshrining safe staffing in law and placing the nursing and midwifery workforce planning tools on a statutory footing. Alex Cole-Hamilton might be aware that a consultation on the legislative proposals was launched on 12 April and that it will run until 5 July to ensure that we gather the views of staff, including those who are represented by the RCN.

**Alex Cole-Hamilton:** It is not just the Queen Elizabeth university hospital that is under pressure. The Royal infirmary of Edinburgh serves thousands of my constituents and today, *The Scotsman* reported that a memo to ERI staff that was sent last week described the ERI as being “in extremis”. It stated that 36 patients waited up to 17 hours in accident and emergency for admission to a bed and that the potential safety implications for patients, their families and scheduled surgery are serious. How often do such warnings and requests to repatriate patients to other health boards occur?

**Shona Robison:** Occasionally, particular A and E departments experience a surge in demand. That happens for a variety of reasons. The issue at the royal infirmary was a post-Easter surge in demand, with high levels of attendances on Thursday 20 April. In such circumstances, it did what any emergency department would do—it asked for beds to be released as quickly as possible. That is because it is for the whole hospital to address any issues in A and E departments; it is not just for the staff who work in A and E departments to manage those issues themselves. There is nothing unusual about taking a whole-hospital approach.

NHS Lothian’s performance returned to normal within a few hours of that surge. In fact, performance against the four-hour target at the infirmary in the preceding day was 96.7 per cent.

The hospital's performance in a steady state has been very good, but it experienced a surge in demand, which was managed appropriately, and it returned to a steady state quickly after that.

**Sandra White (Glasgow Kelvin) (SNP):** The cabinet secretary mentioned workforce planning in reply to Alex Cole-Hamilton. What steps is the Scottish Government taking to support nursing and midwifery workforce planning?

**Shona Robison:** Our workforce planning tools are very good. I recently visited Forth Valley hospital, where I saw the deployment of the tools. In that hospital—it is not dissimilar to the Queen Elizabeth university hospital—a number of facilities came into one site, and there have been challenges associated with that.

The good thing about the workforce planning tools—as has been recognised elsewhere—is that they take into account not just the numbers of patients and staff but the acuity of patients' illness, which enables us to bring in additional staff if they are required because of heightened levels of acuity of illness.

As I said in my initial answer, we want to go further than that. Our proposals to enshrine safe staffing in law have been widely welcomed by the RCN and others. I encourage people to put as many views as possible into the consultation, which runs until 5 July. There will be a number of regional events across Scotland during the consultation period to enable people to share their views.

**Donald Cameron (Highlands and Islands) (Con):** The cabinet secretary will be aware that GMB Scotland recently commented that,

“Due to staff shortages and extra demands that are being placed on them, many hard working hospital staff are struggling to cope and sadly for many of them they need to take time off to recover.”

Given the level of vacancies among consultants, nursing and midwifery services, what action will the Government take to ensure not only that such gaps are filled but that current staff receive the support that is required to carry out their jobs without undue stress?

**Shona Robison:** It is important that staff are supported in the workplace. As I said in my initial answer, we have seen record levels of posts across Scotland—there have been increases in consulting posts and nursing and midwifery posts. Sometimes vacancies are harder to fill, particularly if they are in certain specialties. That is the case not just here in Scotland but elsewhere. It is important that boards manage that issue and that they do everything possible to fill those vacancies and support staff in the meantime.

We are also looking at doing things differently. For example, the east of Scotland boards are working together to address radiology shortages by bringing together such staff in a network to provide support. That shows a positive and imaginative way to address shortages in that specialty.

**Anas Sarwar (Glasgow) (Lab):** For almost a year, the cabinet secretary has come to the chamber and said that she is addressing workforce issues, but in that time vacancies and private agency spend have gone up. The reality is that our NHS staff are overworked, undervalued and underresourced by the Scottish National Party Government. The result is that, yet again, the Queen Elizabeth university hospital has the poorest-performing A and E in the whole of Scotland. Is it not true that such mismanagement is having a direct impact on our staff, services and patient care?

**Shona Robison:** Is it not a shame that Anas Sarwar could not find it in him to welcome the positive documentary that was shown on the BBC last night about the hardworking staff in the Queen Elizabeth university hospital? If, as I do, he looks at social media—I am sure that he does—he will be interested to see how many staff have said how nice it was to have a positive portrayal of their efforts at the hospital, instead of the eternal talking down of their efforts that we hear emanating from some quarters of the Scottish Parliament.

Anas Sarwar will be well aware of the efforts that are going on in the Queen Elizabeth university hospital. Tim Parke, who is an A and E consultant at the hospital, reported that, despite some of the difficulties, the service at the new hospital is better than before and work is continuing to make more service improvements.

I tell the staff of the Queen Elizabeth university hospital that we absolutely value the efforts of every single one of them and that we will work with the board to make further improvements, as we have done over the past year.

### Poverty Alliance Survey

2. **George Adam (Paisley) (SNP):** To ask the Scottish Government what its response is to a Poverty Alliance survey that suggests that one in three people in Scotland on a low income are struggling to afford food. (S5T-00524)

**The Cabinet Secretary for Communities, Social Security and Equalities (Angela Constance):** It is depressing to read that people in a country as rich as Scotland are struggling to afford to feed themselves. Sadly, the figures do not come as a surprise, considering the United Kingdom Government's failed austerity and continuing barrage of welfare cuts.

We will continue to do all that we can to support people on low incomes and to tackle the underlying causes of poverty. Our fairer Scotland action plan sets out 50 concrete actions to tackle poverty and inequality in Scotland, and is backed by a £29 million fund for local communities. That is alongside the more than £100 million a year that we spend on welfare mitigation measures. Resources that could have been invested in lifting people out of poverty are instead having to be invested in offsetting the very worst of Tory welfare cuts.

In addition, we believe that access to sufficient nutritious food is a basic human right, which is why our £1 million a year fair food fund supports approaches that help, in a dignified way, people who are affected by food poverty.

**George Adam:** Does the cabinet secretary agree that the Scottish Government's promotion of the Poverty Alliance accredited living wage, which includes ensuring that it is paid to all national health service staff and adult social care workers, is another clear action that has protected Scotland's people from Tory austerity? Can she outline further plans to increase payment of the living wage in Scotland?

**Angela Constance:** We have allocated a further £250 million from the NHS to integration authorities to protect and grow our social care services and deliver our shared priorities, which include paying the living wage to care workers who support vulnerable adults. That will give up to 40,000 people—mainly women—who do some of the most valuable work in Scotland, a pay rise.

We will also provide up to £50 million of additional revenue to extend, by the end of this parliamentary session, payment of the living wage to all childcare staff who are delivering the funded element in private and third sector nurseries.

We continue to support the living wage accreditation scheme. As a result, in 2016, Scotland remained the best performing of all four United Kingdom countries, with the highest proportion of employees being paid the living wage, or more.

**George Adam:** As the right-wing Tory Government in Westminster continues its attack on the poorest people in our society, is the cabinet secretary—as I am—appalled, but not surprised, by Trussell Trust research that was published this morning, which shows that food bank use is at an all-time high? What advice will she give the good people of Paisley and of all Scotland who seek to avoid that continued attack and the risk of Tory austerity?

**Angela Constance:** The Tories are turning their backs on the poorest people in this country. I think that, in return, the people will turn their backs on

the Tories. As many members of this Parliament are, I am appalled, but not surprised, that there has been a 9 per cent increase in people accessing three-day emergency food parcels. According to the Trussell Trust, a quarter of referrals are driven by low income and almost half are driven by the UK Government's benefits regime. The Trussell Trust and the Poverty Alliance provide strong evidence that more and more people in this country are going hungry and are having to make impossible decisions. That is a shocking trend, which will have to stop.

**Adam Tomkins (Glasgow) (Con):** The Trussell Trust and others have shown that the overwhelming majority of people who use food banks do so because of an acute shortage of money rather than any more sustained cause. Indeed, the Trussell Trust told me that 80 per cent of Scots who use one of its food banks do so only once. *[Interruption.]*

**The Presiding Officer (Ken Macintosh):** Order, please. We have heard everyone else in silence. Please hear Mr Tomkins in silence, too.

**Adam Tomkins:** Thank you, Presiding Officer.

There is an issue to be debated about the extent to which we want food banks to become more closely allied with our taxpayer-funded welfare system. I have talked privately with the cabinet secretary about that. What steps—if any—has the Scottish Government taken to ensure that people who use food banks in Scotland are at least aware of the support that might be available to them from the Scottish welfare fund and other devolved sources?

**Angela Constance:** The real question is about why people are on low incomes in the first place. It can be because they are in work and on poor pay, which is why this Government is committed to doing everything that it can to promote and support the living wage—unlike the UK Government south of the border, which, of course, holds the powers in relation to minimum wage legislation.

As more and more people in this country go hungry and struggle to feed their kids, it is somewhat ironic that Mr Tomkins comes to this Parliament and points to the Scottish welfare fund. The Scottish welfare fund has assisted 241,000 households that have been forced to access the fund as a result of Tory cuts, Tory austerity and draconian welfare cuts.

**The Presiding Officer:** I apologise to the members who could not get in to ask a question.

## Child Tax Credit Cuts

**The Presiding Officer (Ken Macintosh):** The next item of business is a debate on motion S5M-05282, in the name of Nicola Sturgeon, on child tax credit cuts. I call the First Minister to speak to and move the motion.

14:19

**The First Minister (Nicola Sturgeon):** Last Thursday, together with Kezia Dugdale, Willie Rennie, Patrick Harvie and many MSPs from across the chamber, I attended the demonstration against the rape clause that took place outside this building. At that demonstration, Sandy Brindley of Rape Crisis Scotland said that opposition to the rape clause is not about party politics; it is about basic human rights. I agree very much with that.

Of course, the rape clause has come about because of the two-child cap that was introduced three weeks ago by the United Kingdom Government. The cap means that child tax credits and universal credit will be paid only for two children in each family. I will talk about the rape clause in due course, but it is worth noting that the policy intention of the changes—not an inadvertent consequence but the intention behind them—is to reduce the income of low-wage families with children. The Institute for Fiscal Studies has set out the stark reality of that: 600,000 households across the UK will be £2,500 a year worse off, and another 300,000 households—those with four or more children—will be, on average, £7,000 a year worse off.

The Cabinet Secretary for Health and Sport today received a letter from the Department for Work and Pensions, which says that the reform is to ensure that people on benefits have to make the same choices as those who are supporting themselves through work. That really misses the point that around two thirds of the families who will be affected by the policy are working households. They are people who are already participating in the labour market but on low incomes. The UK Government therefore seems to be directly targeting the people it claims to want to help.

It is also important to know that the changes are part of a much bigger picture. In total, by 2022, approximately £1 billion a year will have been cut from social security spending in Scotland, only a fifth of which will have been the result of the changes that took effect this month. For the past seven years, the Westminster Government has systematically reduced vital social security safety nets—for example, by freezing the work allowance, cutting support for housing and cutting the income of people with disabilities.

Let me reflect on some of the consequences that those decisions have had. Sick and disabled people have seen their incomes reduced by around £30 a week due to cuts in employment and support allowance. Every week, right now, around 800 motability vehicles are being removed from disabled people across the UK as a result of changes to personal independence payments—a fact that makes Ruth Davidson's decision yesterday to pose for photographs sitting on a mobility scooter all the more insulting to every disabled person who has lost that resource.

Young people aged 18 to 21 have also had their financial help with housing costs removed, and bereavement payments and the widowed parents allowance have been cut. More than 70,000 households in Scotland would, but for our action, have been hit by the bedroom tax, and more than 80 per cent of those households have at least one adult who is disabled. That is one reason why the United Nations has described the UK Government's welfare cuts as "discriminatory" and "systematic violations" of disabled people's rights. How shocking is that? The United Nations has described the attack on disabled people's benefits as "systematic violations" of their rights.

Inevitably, those cuts disproportionately affect families on low incomes—those who most need support and assistance. There is overwhelming evidence that they also disproportionately affect women. As the women's budget group has noted, five sixths of the cuts that the UK Government is making to social security and tax credits will come from women's incomes. It is worth repeating that. Five sixths of the impact of the cuts is being borne by women. Surely no Government with a genuine concern for those who just about manage and the women who often have the responsibility of holding those households together could ever have chosen to reduce the deficit in that way.

The two-child cap on tax credits is, therefore, in some senses unsurprising although deeply regrettable.

**Alex Cole-Hamilton (Edinburgh Western) (LD):** Is the First Minister surprised to learn that this is, in fact, the second time that the Conservatives have sought to introduce this policy, after they were successfully blocked from so doing in the previous UK Parliament? Does she agree that it is yet further evidence that the Conservatives have gone too far?

**The First Minister:** No, I am not surprised to hear that, because I know that. While I oppose many of the benefit cuts, I think that this one—particularly the rape clause that flows from it—definitely goes too far in the wrong direction. However, it is the sort of policy that we have come to expect from the UK Government. The implications of this policy, as the rape clause so

vividly illustrates, are truly abhorrent. The very need to provide an exemption from the two-child cap for women who have been raped shows the callousness of the cuts in the first place.

The rape clause is wrong in principle. The Equality and Human Rights Commission said at the end of last week that, because of this policy, there is a clear risk of the retraumatisation of rape survivors. No woman anywhere should have to prove that she has been raped in order to get tax credits for her child. I cannot believe that, in 2017, I am having to make that argument in the Scottish Parliament.

The policy is not just immoral, although it definitely is; it is also unworkable in practice. The proposal for third-party verification puts an unacceptable burden on health workers and rape crisis centres, as well as on officials from the Department for Work and Pensions. Rape Crisis Scotland, Scottish Women's Aid, NHS Scotland and many others have quite rightly refused to collude with the rape clause. That is one of the reasons why, although it has now passed into law, no one in the UK Government is able to explain how it will work in practice. Many basic questions are still completely unanswered. What burden of proof is required? How will the claim be verified and recorded? How can the process possibly take place without the woman fearing that it will be hugely stigmatising for her and her child?

I ask Ruth Davidson not to dodge those detailed questions but to do what no one has done thus far—to answer them. As she does so, I ask her to imagine the trauma for any mother who is already a victim of rape who has to go through such a process. Imagine having to report the most personal and painful information imaginable and then having to go through a process of verification, and having that information recorded for years as a condition of one of your financial lifelines. The moment anyone considers all that must surely be the moment when the sheer inhumanity of the policy becomes clear.

Of course, the Tories' argument today will be that we should just ignore the policy's inhumanity and put up with whatever callous cuts the UK Government wants to introduce. According to the Tories, instead of arguing for the repeal of policies such as the rape clause on grounds of principle and common humanity, the Scottish Government should just apply a sticking plaster. I want to address that ridiculous argument head on.

First, let us be clear about the fact that the Scottish Government cannot abolish the two-child cap or the rape clause. We do not have the legal power to do so. Given the complexity of tax credits and universal credit, trying to mitigate the impact of these cuts would be significantly more complex

than simply compensating people for the bedroom tax.

That is not the only issue. The real issue here is the financial impact of mitigation on other services. A key point is the fact that, when the UK Government makes such cuts, it does not pass Scotland's share of the savings on to the Scottish Government. If it did, we could make our own choice about whether to reverse the cut or to follow the UK Government in spending the money elsewhere. The UK Government keeps the money from the savings. That means that any decision by the Scottish Government to mitigate one of these cuts involves taking money that has already been allocated to schools, hospitals and other services.

Notwithstanding that, we have mitigated where we have been able to. We should not have had to, but we have. Since 2013, this Government has spent £350 million mitigating the bedroom tax. Where we control benefits, we make our own choices—for example, we will not apply the two-child cap in our council tax reduction scheme—but we simply cannot accept a situation in which the Tories can implement whatever heartless cut they want to and the only answer is for the Scottish Government to take money from elsewhere to plug the gap, because where does that end? If we accepted that argument, there would be nothing to stop the Tories deciding to no longer pay any benefits for people in Scotland, pocketing the savings and looking to the Scottish Government to step in. It is a ridiculous and unsustainable argument. I say to the Tories that, if they think that the Scottish Parliament is better placed to take those decisions—I certainly agree with that—let us forget the sticking-plaster approach, let us devolve control of tax credits and universal credit and the budgets that go with them and let us then make our own decisions in this Parliament.

The only appropriate mitigation here is for the UK Government to abandon the two-child cap, which would then render the rape clause unnecessary. Just as the UK Government reversed cuts to tax credits two years ago in the face of mounting protests, it should ditch these policies now because they are unacceptable and unworkable. Let me make this clear as well: they are unacceptable and unworkable not just in Scotland but right across the UK.

The Tories here had a choice on this issue: to stand up for what is right or simply to be a mouthpiece for the UK Government in defending the indefensible. The fact that they have chosen the latter is to their shame. It proves that, if Scotland is looking for strong voices to protect all that we hold dear, the last place we should ever look is to the Scottish Conservative Party.

I said at the start of this speech that the issue is not fundamentally one of party politics but one of

human rights and morality. The overwhelming consensus in this chamber demonstrates that fact. The vote on the motion today gives all of us an opportunity to reaffirm that and to reaffirm that, despite the differences that we have on so many issues, we all share a basic belief in social justice and recognise the importance of humanity, dignity and equality in our social security system. By doing that, we can add our voice, as Scotland's national Parliament, to an outcry against the two-child policy and the rape clause that I hope will grow right across the UK. We can take a clear stand against a policy that I would argue has no place in any civilised society and we can reaffirm this chamber's commitment to progressive values.

For all those reasons, I urge everyone across this chamber to support the motion in my name.

I move,

That the Parliament is fundamentally opposed to the UK Government's imposition of the two-child limit on child tax credits and universal credit, which will push families into poverty; notes that the Institute of Fiscal Studies states that, across the UK, these cuts will lead to around 600,000 three-child families being £2,500-a-year worse off, and 300,000 families with four or more children being £7,000-a-year worse off, with on average two thirds of the families affected having at least one adult in paid work; utterly condemns the disgraceful and repugnant "rape clause", which will force victims of rape seeking to claim child tax credits to prove to the UK Government that their third child was born as a result of non-consensual sex; believes this policy to be unfair, unequal, morally unacceptable and deeply harmful to women and their children and a fundamental violation of women's human rights; supports those third sector and healthcare organisations that will not be third party assessors on behalf of the Department for Work and Pensions, and calls on the UK Government to urgently change its position and remove the two-child cap and therefore scrap the "rape clause".

**The Presiding Officer:** I call on Ruth Davidson to speak to and move the amendment in her name.

14:32

**Ruth Davidson (Edinburgh Central) (Con):** First, let me say that I welcome this debate today, not because it is about an issue that is easy to discuss in public—something so appalling never is—but because it is only right that issues of difficulty and passion like this are debated in our Parliament here in Edinburgh.

I would like to begin on a note of consensus. As politicians, I suspect that we all know survivors of rape. Indeed, I know that there are even those among us here who have been subject to sexual violence ourselves and who find the issue and even the word difficult to articulate. In the past two weeks, as this debate has emerged into the public domain, I know that many of us—me included—have spoken to women who are recovering from their ordeal. We know the awful circumstances

that they face: not just the terror of the attack or attacks but the indignity of the criminal justice system that faces them if they report the crime, the prospect of a protracted court case to follow, the criminal injuries compensation process and the lengthy spell afterwards when women who have been attacked—and, in some cases, men, too—have to try to pick up the broken pieces of their lives and confront the world anew.

In the past few weeks, when we have talked about how we should help women in such circumstances, we have used words such as "sensitive" and "compassionate". I agree that those words do not even begin to cut it; they shrivel next to the enormity of the violation that the women have suffered. That is even more the case when we face women whose rape has resulted in the birth of a child. Perhaps we do not have the words for it at all; certainly, I struggle to find them.

I would like to use my speech here today to try to place this issue in context. The issue of the so-called rape clause arose as a result of the Welfare Reform and Work Bill, which was passed in the House of Commons in 2015. The proposed changes to welfare spending were introduced in the wake of the 2015 general election, when my party set out in its manifesto a clear plan to try to put the UK's public finances back on solid ground.

We all know that the UK continues to spend more than it can afford, borrowing to the tune of £69 billion last year. It is the view of members on these benches that, in order to restore public finances, we must eliminate that deficit and then reduce the debt mountain that we as a country have allowed to build up over a period of years. Otherwise, future generations will have to pay our debts.

**Gillian Martin (Aberdeenshire East) (SNP):** Will the member give way?

**Kezia Dugdale (Lothian) (Lab):** Will the member give way?

**Ruth Davidson:** I am sorry, but I have a lot to get through and I will not be taking any interventions.

**Members:** Oh!

**Ruth Davidson:** I do not think that this issue should be subject to the knockabout that we see here in the chamber daily.

Of course, there is a political judgment, which any Government has to take. Labour and the SNP would not seek to curtail the growth in spending as we would, and that is their right; but it is our judgment that we need to reduce the deficit in order to demonstrate that the UK can withstand any future shocks that might come our way and can build an economy that continues to sustain our public services.

**Kezia Dugdale:** Will the member give way on that point?

**Ruth Davidson:** Inevitably, that means examining many budgets, including the welfare budget. It has meant, for example, removing child benefit from higher earners. The issue that we are debating today revolves around further decisions that have been taken by the UK Government to limit child tax credits to the first two children. It is worth stressing that the measure will not apply to existing claimants.

**Neil Findlay (Lothian) (Lab):** Will the member take an intervention?

**Ruth Davidson:** In other words, parents of three or more children who are currently claiming tax credits will still continue to do so.

**Neil Findlay:** Will you not defend your own policy?

**Ruth Davidson:** I accept that, for many MSPs, the change is far from welcome. These are difficult judgment calls. When, in 2015, the UK Government initially proposed cutting tax credits, I spoke out against it. I did not think that ministers had got the balance right. Those measures were scrapped.

However, the two-child tax limit was not something that I spoke out against. Indeed, nor did others. I recall the then interim leader of the Labour Party, Harriet Harman, also making it clear that she felt that it was something that should be considered. She said:

"We're not going to be voting against the Welfare Bill, we're not going to be opposing the Household Benefit cap, we're going to be understanding the point about more than three children".

**The Minister for Childcare and Early Years (Mark McDonald):** Will the member give way?

**Ruth Davidson:** I agreed with her then, and I still do.

The First Minister gave monetary examples, so let me put them in context. A one-parent family with two children where the parent works 16 hours a week on the minimum wage can claim monetary benefits of just under £19,000 a year. Added to salary, that comes to the equivalent of an earned income of £32,000. I cite those figures only to give context to the numbers that the First Minister gave.

The package of reforms was voted through the House of Commons—and I note in passing that many Labour MPs abstained at the equivalent of stage 2. It was during the consultation phase, prior to implementation, that the question of exemptions was raised. In respect of multiple births, children who are adopted and the rare cases in which the birth of a third or subsequent child is the

consequence of rape, the UK Government agreed that the two-child restriction should not apply. I support those exemptions. Indeed, I cannot imagine that there is a single member of the Parliament who does not. There may be many who disagree with capping child tax credits at the first two children, but surely not with such exemptions to the cap being put in place.

We then come to the question of implementation. I am sorry to say that, on this issue, too many people have simply not been clear with the facts. I have heard members of the Parliament say on television that women must complete an eight-page form in order to receive the exemption. That is simply not correct.

On the detail of how it works, I quote the Department for Work and Pensions consultation response on the matter, published in January. It says:

"Neither DWP nor HMRC staff will question the claimant about the incident other than to take the claim and receive the supporting evidence from the third party professional."

**Neil Findlay:** On a point of order, Presiding Officer.

**Ruth Davidson:** It adds that

"women are not placed in the position of having to give details about the rape to DWP or HMRC officials".

**The Presiding Officer:** I am sorry, Ms Davidson, but there is a point of order from Mr Findlay.

**Neil Findlay:** Presiding Officer, I was under the impression that this was a debating chamber. Is it not appalling that the leader of the Opposition in the Parliament is unwilling to take a single intervention to defend one of the most heinous policies that we will ever debate in the Parliament? She should be ashamed of herself.

**The Presiding Officer:** That is not a point of order. All members know that it is entirely at their own discretion whether to take an intervention or not.

**Ruth Davidson:** There is absolutely no requirement to report rape as a crime, to provide proof of rape or to provide proof of conviction. A woman writes her name and a third-party professional who is helping the mother is asked to set out the rest.

**The First Minister:** Will Ruth Davidson take an intervention?

**Ruth Davidson:** That third-party model already exists in the benefit system to support victims of domestic violence.

**Members:** Give way—go on.

**Ruth Davidson:** The third-party professionals—

**Members:** Give way!

**The Presiding Officer:** Order. The member is not taking an intervention.

**Ruth Davidson:** It is important that we do not wilfully misrepresent the process, causing fear and alarm. Let me outline the process to members again. The woman writes her name and a third-party professional who is helping her sets out the rest. The third-party model already exists in the benefits system to support victims of domestic violence. The third-party professionals, such as healthcare or support workers, are also able to provide, or signpost claimants to, additional support.

In her speech, the First Minister talked about workability. Citizen's Advice Scotland, which has been very critical of the third-child restrictions—

**The Presiding Officer:** There is another point of order.

**The Minister for Social Security (Jeane Freeman):** On a point of order, Presiding Officer, is it not the case in this and any Scottish Parliament debate that the facts should be clearly represented?

Miss Davidson said that the applicant only had to fill out their name and sign the form. I am reading page 5 of that form—page 5 of eight pages—where the applicant is required to put their name, national insurance number and address. They are asked to declare that they

“believe the non-consensual conception exception applies to my child”.

They have to give the child's name and sign that declaration, and sign again to

“confirm that I am not living with the other parent of this child”

even if the other parent was the person who raped the applicant.

Above all else, having accuracy in a debate is surely in our standing orders.

**The Presiding Officer:** I understand that emotions are running high, but that was an intervention, not a point of order.

**Ruth Davidson:** I refer again to the third-party model and the fact that it already exists in relation to domestic violence. It is the third-party model that is being used to fill out the pages of the form.

Let me come back to the point that the First Minister raised in her speech about workability. Citizen's Advice Scotland, which I absolutely accept has been critical of the two-child restriction of the policy, said:

“Citizen's Advice Scotland is content with a third party evidence model being sufficient to enable the exemption to

the two child restriction where it is likely a child has been conceived as a result of rape.”

I hear the concerns that have been raised by other charities in the sector who do not agree with the policy and I take them seriously. That is why our amendment also says that the implementation of the exemptions must be closely monitored as we go forward.

I will conclude with two points. The first is in relation to the First Minister's motion, which points out the impact of the two-child policy. I do not dispute the sources that she quotes, but I ask members to examine the issue of welfare reform in the round.

At the moment, the UK employment rate is the highest on record. In the past year, the number of disabled people in work has increased by nearly 300,000. There are nearly 1.3 million more women employed since 2010. Also since that time, there are 828,000 fewer workless households. Income inequality in this country has fallen, because the incomes of the lowest paid are rising. The latest Office for National Statistics data show that the lowest-paid workers are seeing their pay go up by the most, which was more than 6 per cent last year. Median household disposable income for the poorest fifth rose by £700 last year, whereas the incomes of the richest fifth fell by £1,000. We are helping people keep more of what they earn. Because of that, the proportion of people living in relative poverty is near its lowest level since the 1980s. Since 2010, there are 300,000 fewer people across the UK in poverty, and 100,000 fewer children in poverty. Around the UK, we continue to spend £90 billion a year on supporting families, people on low incomes and job seekers.

That is the record of the UK Government on welfare and if people in the UK do not support that approach, they have the opportunity on 8 June to ask someone else to do it.

However, for the Scottish Parliament, the question is deeper. The question facing us is: what is this Parliament for? Is it to be a soapbox to sound off against the policies from London that MSPs do not like? Is that what Scottish politics has become? Or, given the enormous powers that this Parliament now has, is it to act?

If there is something that some in this chamber feel is “abhorrent” or “repellent”, there is surely something behind it, otherwise those words lose all meaning. Powers over welfare—and over the taxation to pay for decisions—were demanded and transferred precisely so that devolved Scottish Governments could make different choices. I do not believe that any member in the chamber disagrees that women who have children in the very worst of circumstances should be exempted from restrictions on tax credits. I do not want to

believe that any member would wilfully misrepresent the process, thereby causing fear and alarm—

**Members:** Oh!

**Ruth Davidson:** However, I believe that there are many members of other parties who would wish away tax credits being restricted to the first two children, and I point them towards the legislative powers of this Parliament.

For my part, I will continue to monitor how the policy works on the ground. The First Minister and her ministers use strong words such as “shameful”. She has the power to act, and if she chooses strong words but chooses not to act, that would indeed be shameful. We will continue to monitor the policy.

I move amendment S5M-05282.4, to leave out from “is fundamentally” to end and insert:

“notes that the UK Government has a duty to manage public finances carefully for future generations; considers that the UK Government has sought to curb increasing welfare spending by reducing benefits to those on higher incomes, such as child benefit; notes that the two-child limit on child tax credits will not apply to current recipients; considers that the Scottish Government has the power to reverse the two-child limit on tax credits by using newly devolved powers if it so chooses; further considers that exemptions to the two-child policy, such as that given to women who are victims of rape, must be implemented as compassionately as possible and monitored closely, and believes that more must be done to help women in Scotland in these circumstances by, for example, increasing the number of sexual assault referral centres that are available.”

14:45

**Kezia Dugdale (Lothian) (Lab):** Politics is a life that we choose because we think that we can do some good. More than that, it is because we think that our opinions and views about life should shape the world that we live in. We think that they could help those who feel left behind or forgotten, or who are struggling, and give them a voice and a belief that their opinions also count. Yes, we are all here in the chamber because we are in the business of doing good.

What an ideal—and what an absolute joke in the eyes of the Scottish Conservative Party. For 10 years, the Tory Government at Westminster has slashed at our valued social security system in a deliberate act of sabotage. The question that I would have put to Ruth Davidson if she had bothered to take any interventions is a question of judgment. She should tell us why rape victims have to pay the price of the deficit while the Tories give tax cuts to the richest people in our society.

The disabled, the poor, the ill and the carers of our society have all been victims of Tory austerity. Not content with that, the Tories have now turned

their grasping, grubbing, miserly attention to the tax credits system—one of Labour’s finest achievements. Is there no end to the Tories’ desire to ensure that those with the least have even less? As the casual victims of that clawing meanness, women who have two children but who have had a third as a result of a rape are now at the mercy of the harsh diktats of a Government that is intent on dismantling the vital safety net of benefits.

A woman must either admit to being raped and to having a child born of that physically, mentally and emotionally scarring crime, and get the financial help that she needs, or she must go without. Without a doubt, the Tories’ family cap is arbitrary and unfair, and the rape clause that accompanies it is utterly horrific and abhorrent.

I look across the chamber at Ruth Davidson, Jackson Carlaw and others, many of whom I know have not always agreed with decisions that their own party has taken in Westminster in the past. Yet not one of those so-called different, detoxified Tories will speak out against this latest abomination. Not one will stand up and say that asking rape victims to declare on a form that their child was the result of an appalling crime is just wrong. What is worse is that they even try to defend it.

There is nothing fluffy about David Mundell—a man who cannot answer when asked on radio whether he feels comfortable asking rape victims to fill in such a form. He then has the brass neck to accuse those of us who abhor the rape clause of playing politics with people’s vulnerability and misery.

There is nothing brave about tank-driving Ruth Davidson when she fails to tackle her own Government on this appalling issue and hides behind a spokesman for days.

Here is someone who is brave. I have a letter from a woman who wrote to me to tell her story about her rape and how this barbaric policy would have affected her. I have her permission to read it in full; I have removed only the references to the child’s gender and age. The Tories may not want to listen to me, but they surely cannot ignore her. The letter says:

“Four years ago, one of my closest friends—someone I trusted—raped me.

It happened once. I used emergency contraception but still fell pregnant.

For lots of reasons I decided I couldn’t terminate the pregnancy and went on to have a baby.

The speculation about the father was awful. I accepted that I would be labelled sexually promiscuous as a result; I was prepared for that.

I expected—and received—horrendous treatment from my husband’s family; I was prepared for that.

I was prepared for the financial hardship, having just been made redundant; I was as prepared as I could be for life as a single parent.

What I wasn't prepared for was the impact the labelling would have on my three existing children, born into wedlock and brought up in a stable family home.

I wasn't prepared for the shame I would feel.

I wasn't prepared for the fear of anyone finding out and refusing to believe me.

I wasn't prepared for the feeling that suicide was the only way out.

I certainly wasn't prepared for the amount of hatred and resentment I would have for my own child.

Years on and I have a happy, healthy child. They are worshipped, not just by me but by my extended family and even better my husband, a brave and loving man.

My child doesn't know where they came from and if I have anything to do with it, they never will.

Nobody knows, aside from me, my husband and the mental health nurse who helped me through this living hell.

Though far from perfect and with challenges of its own, I hope the secrecy will give them the chance to live as close to a normal life as possible.

There have been so many pleas to take legal action or to widen the circle of trust to allow those who love me to provide support during the difficult times, but this is a risk I could never take; my need to protect my children from the truth came above all other considerations.

The wider the circle of midwives, consultants, family, the less chance I had of protecting myself and my children from the permanent and damaging stigma attached to rape.

I claimed Tax Credits from birth to eleven months old; the hand up I needed when I was at my most vulnerable to allow me to re-stabilise my family.

Tax Credits kept our heads above water, a buffer between us and the food bank; for that I am eternally grateful.

There is no way I could complete that awful form of shame, no matter what the consequences.

Looking back, that really could have been the thing that tipped me completely over the edge; the difference between surviving to tell the tale and not."

That is the reality of the Tory rape clause, or the "awful form of shame", as the letter writer puts it. That is the burden that this Tory Government wants to put on victims of rape because it does not want to pay for more than two children in a poor family.

It is an absolutely sickening state of affairs, but it is not the author of that letter or any other rape victim who should feel shame; it is those on the Tory benches here and in Westminster who refuse to act. I urge every single Tory MSP to stop and think about the ordeal that they are asking women to go through. Oppose this clause and finally do some good.

I move amendment S5M-05282.1, to leave out from "supports those" to "Pensions" and insert:

"further condemns any government that forces women to relive a horrific event in their lives to access social security for a third child; notes the many organisations that have called for a reverse of the two-child cap, including the Joseph Rowntree Foundation, which states that these changes will result in an additional 200,000 children in the UK being pushed into poverty; supports those third sector and healthcare organisations that will not be third party assessors on behalf of the Department for Work and Pensions, and condemns the pressure being put on them to carry out a procedure for which many will not be trained".

14:53

**Alison Johnstone (Lothian) (Green):** I am grateful that Parliament is debating child tax credit cuts, although I am dismayed that such a debate is necessary and that such a law has been made by the United Kingdom Parliament, through Conservative votes and backing.

The Welfare Reform and Work Act 2016, which limits entitlement to the child element of child tax credit and universal credit to a maximum of two children as from the 6th of this month, is the latest in an onslaught—I use that word deliberately—of UK legislation that has negatively impacted on women and children.

Ruth Davidson, in a desperate defence of the indefensible, asks that we look at welfare reform in the round—let us do that. Engender tells us that 86 per cent of the £26 billion of cuts that will have been implemented between 2010 and 2020 will have been made to women's incomes. That is the context in which we debate today—and we were some way from gender equality before severely gendered austerity was inflicted upon us.

In its analysis, the Resolution Foundation concludes that the

"Poorest third of households will be worse off from tax and benefit changes starting"

from 6 April, "despite a £1bn giveaway". That giveaway from the public purse sees

"the better-off half of households receiving 80 per cent of the tax cut windfall, and the poorest third of households shouldering two-thirds (67 per cent) of the benefit losses".

The Resolution Foundation also tells us that

"the overall package of reforms add up to a significant transfer from low and middle income households to richer ones."

Matthew Reed, the chief executive of the Children's Society, said:

"The announcement to limit child tax credits to two children is effectively a two child policy for the poorest families."

The Equality and Human Rights Commission in its letter to the DWP said that:

"There was no evidence provided to support DWP's assumption that the measures will incentivise families to only have two children if they cannot afford to have more."

As we have heard, the policy takes no account of the fact that families' situations change—jobs are lost, family members become unwell and require care, many parents are required to work part-time so that they can also care for an older relative.

The fact is that the child tax credit limit, along with the overall cap on welfare benefits, fundamentally distorts our means-tested social security system, which is a system based on assessing peoples' needs and their ability to meet them. What the child tax credit limit means is that family need will be assessed, and even when it is concluded that a family requires additional support, that will be withheld.

The Children and Young People's Commissioner for Scotland is right when he says that, when it comes to new benefit cuts,

"For the UK Government, some children appear to matter more than others".

It is no surprise that he has raised concerns regarding the rights of children affected by benefit cuts with the UN Committee on the Rights of the Child. Needs will not disappear simply because Westminster has legislated.

We have heard that there are several exceptions to the two child limit, including when there is a multiple birth and in cases of adoption, but let us look at the clause that we have discussed today in most detail. I have no way of knowing whether the person who first thought of that exemption, now known as the rape clause, felt that it was a compassionate one. However, when they got to the stage of asking women to prove that a child on behalf of whom they are claiming is a result of rape—a single brutal attack perhaps—or was conceived during an abusive, coercive and controlling relationship, surely they would have come to the conclusion that the implications of the legislation and its impact on the wellbeing and privacy of women and children were completely unacceptable?

For many women, it will be personally difficult and traumatic to complete that form. It will also be practically difficult, if not impossible, because Scottish Women's Aid and Rape Crisis Scotland whole-heartedly oppose the limit and the exception, and they cannot and will not collude by acting as third-party reporters for the DWP. The Royal College of Nursing tells us that they were not approached by the DWP in advance of its consultation on the exception, and that they

"do not believe it is appropriate for a nurse or a midwife to arbitrate whether a child is likely to have been conceived as a result of rape."

A requirement of the entitlement to tax credit for the child conceived as a result of rape is that the claimant is not living with the perpetrator, so those

women who are unable to leave a coercive and abusive relationship but have conceived as a result of rape will have the same pressing financial need to support a third child, or more, but will not have the means to meet the requirements of that abhorrent clause. That wrong policy makes life even harder for those women.

We know from the low reporting rates for rape that many women do not wish to disclose the information. I am wholly supportive of efforts to encourage the reporting of sexual assault and rape, but we know that many women are reluctant to take that step, and we know why. There is so much work yet to be done on that front, and yet we expect women to fill in detailed forms for the DWP.

In their briefing, Scottish Women's Aid and Rape Crisis Scotland told us:

"We are in no doubt that this policy will inflict harm on rape survivors, by removing their control over whom and when they speak about their experience. This control is known to be a critical element in a woman's recovery from rape, removing this control risks re-traumatising women."

The Equality and Human Rights Commission has written to the DWP explaining its concerns regarding the cap and the operation of the exemption. With regard to the cap, the commission pointed out that children have a right to adequate living standards, and that those are international rights owed by the state to the children themselves. Those rights are not dependent on the choices or circumstances of their parents. The commission rightly criticised the DWP for the lack of a properly detailed impact assessment. The on-going cumulative impact of cuts affecting women and children is a scandal and it has to stop.

The Scottish Government has the power to take action to mitigate—to make something bad less severe, as the dictionary would have it—and, of course, it must and will look at ways to ensure that support for those affected is available. However, I campaigned for a Scottish Parliament and joined Scotland Forward before I joined the Scottish Green Party. Ruth Davidson asks what a Scottish Parliament is for. It is not simply to mitigate the policies of the Conservatives at Westminster. My vision of devolution is proactive, with politicians in Scotland working together for the good of people in Scotland. Ruth Davidson, Adam Tomkins and many others appear to have no vision of what this Parliament should be about.

I support the SNP motion and the Labour amendment, and I move amendment S5M-05282.2, to insert after "Pensions":

“; agrees with Rape Crisis Scotland, Engender and Scottish Women's Aid's view that these changes are ethically unjustifiable; believes that women's rights and equality are integral to developing a social security system in Scotland that is just and fair; condemns the two-child cap

as yet another welfare cut that the UK Government knows will hit women hardest”.

**The Presiding Officer:** We now move to the open part of the debate.

15:00

**Christina McKelvie (Hamilton, Larkhall and Stonehouse) (SNP):** I am profoundly sad to say that the child tax credit cuts yet again show the harsh and cruel nature of the Tory Government—a Government that always seems to find a new low to stoop to when it comes to attacking the dignity, living conditions and income of the vulnerable.

Let us be clear: the two-child family cap is nothing less than malevolent social engineering. In December 2014, Iain Duncan Smith suggested that imposing the cap would “help behavioural change”. Think about those words—words that carry the sinister suggestion that poor people should not have the impudence or moral right to breed. Iain Duncan Smith has four children, but, then, he is rich and a member of the Tory elite, so he is not likely to ever call on the welfare state that he has such loathing for. Those words deliberately plant a seed in people’s minds that parents on lower incomes are being irresponsible. We might be shocked by that, but we should not be surprised. It is, after all, the latest twist of the knife from a Tory Government that already thinks that it is okay for it to tell people where they can live; how many bedrooms they can have; whether they get support for their disability; whether they can maintain their independence through the use of a mobility car; what and how often they can eat; how often they can heat their home; whether they can get housing support to keep a roof over their heads, which is a particular issue for the under-25s; and, now, if and how they might extend their family, should they dare to do so. It is the worst kind of social engineering: it is beyond reactionary, beyond unfair and, frankly, beyond belief.

However, one part of the policy is perhaps the most disgusting thing that we have seen from the Tories yet. I am talking about the so-called rape clause—the Tories’ one exemption from their three-strikes-and-you’re-out child tax credit policy. That clause is nothing less than a barbaric assault on women who have suffered the life-changing consequences of having had a child as a result of non-consensual sex.

My tenacious colleague Alison Thewliss MP found the rape clause buried in the welfare reforms some 21 months ago, but the Tory Government has ignored all her calls for sense and compassion to prevail. The Tories’ own Jackson Carlaw has described the policy as “awkward”. Awkward for whom—for his Tory party, hoping to slip it through without the inconvenience of arousing hostile public interest, or for Ruth

Davidson and her other colleagues, now performing excruciating contortions in a bid to sidestep taking responsibility for this barbarism? I say to Mr Carlaw, Ms Davidson and the members on the Conservative side of the chamber that, for those who will find themselves trapped, humiliated and impoverished by this vicious and punitive piece of sophistry, it is a good deal more than awkward—it is devastating. I ask them to imagine themselves or a member of their family, having already suffered rape or domestic violence, finding themselves having to deal with this and allow the state to use an eight-page form—yes, an eight-page form—to snoop into the deepest recesses of their hurt and trauma. I ask them to imagine that they had not reported the rape because they just wanted to bury the awful memory; or that they are still living with the abusive partner who raped them; or that they are in Northern Ireland and their application results in a report to the police; or that they are the child who is named on that form.

We do not have to imagine it, however, because this is not some dystopian story that we are talking about; it is actual Government policy—right here, right now, in this so-called civilised United Kingdom. It is deeper than disgusting: it is a deliberate, calculated attack not just on women—who so often bear the brunt of Tory welfare cuts—but on women’s human rights, yet the Scottish Tories here in this Parliament squat down in the bunker and hope that the firestorm will pass.

Ruth Davidson will not even apologise or explain. She even has the audacity to suggest that this Parliament should mitigate the damage by protecting Scottish families from the mean-minded nastiness of her party at Westminster. That proves one thing: where there is muck, there is usually always a brass neck, and there is plenty of that in here today.

Deep revulsion with the policy stretches to the horizon and beyond, from politicians, faith leaders, Women’s Aid, Zero Tolerance, Engender, the Equality and Human Rights Commission, the trade unions, child poverty campaigners and even the House of Lords.

If Ruth Davidson and her colleagues want us to believe that they are capable of even an atom of compassion, they must insist that this corrosive, demeaning, divisive and bitterly unfair legislation is scrapped straight away.

I want to live in a civilised country—a nation that shows its people respect, compassion and care, not one that treats its needy with suspicion, heartlessness and contempt. Today I say loud and clear to the Tories: “We do not want your child tax credit cuts and your rape clause here or anywhere in the UK. Scrap it now.”

15:06

**Adam Tomkins (Glasgow) (Con):** Survivors of rape have been to hell and back. Their very being has been violated. Women who have reported being raped will have been subjected to the indignities of the criminal justice system and may face the daunting prospect of a protracted court case. They will have experienced shame, isolation and the most complex inner turmoil that most of us cannot even imagine, and those emotions will never fully dissipate during their lifetime. To say that this is a sensitive subject that must be treated carefully may be true, but that does not even begin to cut it. In the rare cases when the rape results in the conception and birth of a child, the issues are even more fraught. That is the context in which I want to place my remarks this afternoon.

**The Minister for Public Health and Sport (Aileen Campbell):** Will the member take an intervention?

**Adam Tomkins:** No, not at the moment.

One of the first duties of government is the responsible stewardship of the nation's resources. However, when the Conservatives returned to government in 2010, we found that Gordon Brown's outgoing Labour Administration had failed in that regard. "Sorry, but there is no money left." That is what we were told—

**Kezia Dugdale** *rose*—

**The Minister for International Development and Europe (Dr Alasdair Allan)** *rose*—

**Mark McDonald** *rose*—

**Adam Tomkins:** Sorry, but I am not going to give way at the moment.

**The Deputy Presiding Officer (Christine Grahame):** Will members please sit down. Mr Tomkins is not giving way.

**Adam Tomkins:** That is what we were told in that famous note left in the Treasury.

**The Minister for Local Government and Housing (Kevin Stewart):** Will the member give way?

**Adam Tomkins:** No, I will not give way at the moment.

Putting the nation's finances on a sound footing has been the core mission of the Conservative Government over the past seven years. Responsible stewardship of the nation's resources is why we turned coalition into majority in 2015, and it is why we will turn a majority of 12 into a majority many times greater than that on 8 June. It is the right thing to do. It is what having an economy that works for everyone means.

**Mark McDonald** *rose*—

**Adam Tomkins:** Getting the balance right between the responsibilities of the taxpayer—

**The Deputy Presiding Officer:** Mr McDonald, please sit down.

**Adam Tomkins:** I am sorry, Presiding Officer.

**The Deputy Presiding Officer:** I was asking Mr McDonald to sit down. Please continue.

**Adam Tomkins:** Thank you.

Getting the balance right between the responsibilities of the taxpayer to contribute and the rights of claimants to benefit is a judgment. All responsible politicians have to make that judgment. It is our judgment that the right thing to do is to restore fairness in the benefits system between those receiving benefits and those paying for them, with families relying on public support making the same financial decisions as those supporting themselves solely through work.

**Sandra White (Glasgow Kelvin) (SNP)** *rose*—

**Jeane Freeman:** Will the member give way?

**Adam Tomkins:** Not at the moment.

That is why, from 1 April this year, child tax credits are limited to the first two children in a family. That will apply only to new claims; no-one currently receiving tax credits will see their benefits reduced—that is the important point.

I readily concede that not everyone will share our judgment that this is the right thing to do.

**Jeane Freeman** *rose*—

**The Deputy Presiding Officer:** Please sit down.

**Adam Tomkins:** If a majority of MSPs thinks that we have got the balance wrong and that a different policy would be the right one for Scotland, we have all the powers that we need to do something about it—not to shout and scream but to act. We have the power to top up any reserved benefit, including child tax credits, and we have the resources to pay for it if that is what we choose to do.

**Kevin Stewart** *rose*—

**Mark McDonald** *rose*—

**The Deputy Presiding Officer:** Please sit down.

**Adam Tomkins:** At the same time as deciding that we should limit child tax credits to two children in a family, we immediately saw that there must be exemptions. What if there is a multiple birth? What if children are adopted from care? What about those rare cases when a birth is the consequence of a rape? Just as I support the underlying decision to limit child tax credits, so too do I

support those exemptions. Because of the issues that I referred to at the beginning my speech, it is obviously the case that the exemption as regards children who are conceived as a result of rape is extraordinarily sensitive. It is unfortunate therefore that there is such misinformation surrounding it. I have heard it said that women will have to prove that they were raped. That is not the case. I have heard it said that the exemption will apply only where there has been a conviction for rape. That is not the case—there does not even have to be a charge, never mind a conviction.

**The First Minister:** Will the member take an intervention?

**The Deputy Presiding Officer:** Please sit down, First Minister.

**Adam Tomkins:** Even the oft-repeated claim that a woman has to fill in an eight-page form reliving the horror of her assault and violation is not true.

**Andy Wightman (Lothian) (Green)** *rose*—

**Claudia Beamish (South Scotland) (Lab):** Will the member give way?

**The Deputy Presiding Officer:** I would like the courtesy of being able to hear Mr Tomkins, please.

**Adam Tomkins:** Is there more that we can do to support the survivors of rape and sexual assault in Scotland? Of course there is. We could, for example, increase the number of sexual assault referral centres. As Annie Wells pointed out earlier this year, there are 43 such centres in England and six in Wales, but in the Scottish National Party's Scotland, there is just one.

**Gillian Martin** *rose*—

**The Deputy Presiding Officer:** Please sit down.

**Adam Tomkins:** It is also the case that more than 90 per cent of projects aimed at tackling violence against women and children have suffered cuts in Scottish Government funding.

It is sometimes said that the Conservatives target the poor. In a sense, that is correct. Since 2010, we have lifted 1.3 million lower-wage workers out of income tax. At the same time, the national living wage has given a pay rise to 1.7 million people. Our welfare reforms hit higher-income families first—not those who are worse off—by removing child benefit from families who pay income tax at the higher rate. Whereas the Labour Party had a lower rate of tax for the very richest in society, Conservatives have ensured that the wealthiest pay a greater share of tax. Under the Conservatives, income inequality is falling.

Judgments about the relationship of tax to spend and decisions about getting the balance right between the responsibilities of taxpayers to contribute and the rights of claimants to welfare benefits are difficult and require tough choices. In stewarding the nation's resources, limiting child tax credits to the first two children in a family is the right thing to do. Exempting some families from that, including in cases of rape, is also the right decision. I support the amendment in Ruth Davidson's name.

**The Deputy Presiding Officer:** I would like to hear all members in the debate. I know that it is tense and that everybody is committed, but I and other members would like to hear what members have to say.

15:13

**Sandra White (Glasgow Kelvin) (SNP):** Like many members, although perhaps not those on the Tory side of the chamber, I entered politics because I really believe in equality and social justice, and not in punishing the poor and rewarding the rich, which the Tories over there are doing through the benefits system.

I find it difficult to broach this subject, and I will give members a wee bit of background to explain why. I am a member of a large family. My mother worked part-time and my father worked until he was 73. Sometimes we had to rely on free school meals and the help of friends and family. The reason why I am struggling with this barbaric, disgusting and disgraceful policy, which has been proposed by the Tories at Westminster and defended by the Tories here in the Scottish Parliament, is because of where we would be if it had been introduced when I was born or when the rest of my family were born. Where would my nieces and nephews be? Where would any family who had more than two children be? I will tell members where we would be. Even though we were hard-working families, we would be struggling and poverty stricken.

My extended family is the reason why I find it difficult to speak about the issue. For the people who are struggling just now, this measure will make things worse than ever. Many of the people who are in low-paid employment—low-wage families—are not scroungers and they are not on welfare or benefits. They are working really hard and the Tories are punishing them because they are low-paid, and because they are women. I will come on to give some statistics about that.

Something else in the documentation that I find hard to believe is that a child who was born after 11.59 pm on 5 April 2017 will be brought up in a poorer family that is struggling and the children will be living in abject poverty. Just being born a

minute after midnight will mean that that child and family will be living in abject poverty.

The Tory amendment gives the reason for pushing the measure forward. The amendment

“notes that the UK Government has a duty to manage public finances carefully for future generations”.

What future generations are they protecting? It is not the future generations of families who are on low pay and it is not the future generations of women. That is who the Tories are attacking and absolutely destroying. I find it disgraceful that any political party could think up something quite like this.

I said that I would give facts and figures to show that people are not benefit scroungers, as the Tories all seem to think. Of all in-work families who are receiving tax credits, 87 per cent of the recipients are women. Of in-work single parents, 94 per cent of the recipients are women. The word there is “in-work” not “workless”, which is itself an abomination of a word. I am talking about families and women who are in work, and all they are doing is getting a little helping hand to help if something happens to them.

I will go on to talk about the rape clause shortly, but nobody so far has mentioned what happens if someone is taking precautions and the condom happens to burst, or if a woman happens to be ill and the pill does not work. Does the eight-page document say what to do? No. What happens to those families? What happens to the women who are stuck with that? Do they have to go to their doctor and get a letter to say what happened, or will they actually have to produce the burst condom? What happens then?

I am not just talking about the kids who are being born. The right to dignity and respect is absolutely precious to human life and the Tories over there are taking it from people and defending the policy. They should be absolutely ashamed of themselves for not standing up and sticking up for the ordinary people and women of this country.

Lots has been said about the rape clause. Ruth Davidson and Adam Tomkins practically gave the same speech. They both used the word “violated”. If a woman has to go down to the DWP to fill in the form, is that not a violation of women’s rights? Is it not further violation? And yet, they defend it. I honestly despair. I thought that some of the Tories were decent people but, if they stand by this proposal, there is no decency left in them. Have they read the form? Have they even seen it? I am particularly talking to Annie Wells, because I saw in a newspaper today that she said that she will give the reasons why she defends the policy. Annie Wells has relatives living in the east end of Glasgow. She comes from an area where many people who have more than two children are living

on low incomes. How can she possibly defend this and go out into her Glasgow constituency and say that she stands up for working people?

The eight-page form says that the Government believes in equality and diversity. Is that not something? It says that in a form that women who have been raped or domestically abused have to fill in. I say to the Tories that they do not believe in anything. All they believe in is looking after themselves and the rich, and the poor are the ones who will suffer, particularly the women. Women having to prove that they have been raped—the Tories should be ashamed of themselves.

15:19

**Alex Cole-Hamilton (Edinburgh Western) (LD):** I pay tribute to Kez Dugdale and Sandra White for offering very moving personal testimonies, and I congratulate the Scottish Government on lodging the motion. I assure it of the support of the Liberal Democrats. We will support Kez Dugdale’s and Alison Johnstone’s amendments, as well.

Who can forget Theresa May’s inaugural words in her tenure as Prime Minister? In her Francis of Assisi moment on the steps of number 10, she said of families that rely on tax credits in particular:

“If you’re from an ordinary working class family, life is much harder than many people in Westminster realise. You have a job but you don’t always have job security. You have your own home, but you worry about paying a mortgage. You can just about manage but you worry about the cost of living and getting your kids into a good school ... I know you’re working around the clock, I know you’re doing your best, and I know that sometimes life can be a struggle. The government I lead will be driven not by the interests of the privileged few, but by yours.”

In the two-child tax credit cap and the rape clause that underpins it, we see the measure of that commitment made flesh. I am certain that those words have now turned to ash in the Prime Minister’s mouth.

There are days in the chamber when we are debating welfare reform and social security matters in which I rise to speak with some trepidation and a recognition that there were times when my party, through dint of the coalition, participated in decisions and reforms that were distasteful to us as Liberals, but were far less egregious than those that our partners originally proposed. Members rightly lose no time in reminding me of that in colourful interventions. That is fair enough, but the untold story of our days in coalition is what never made it to the statute book thanks to Liberal Democrat resistance: regional pay, which would penalise any workers outside the south-east of England, inheritance tax cuts for millionaires and enhanced

powers for employers to sack staff without notice or recourse to a tribunal.

As I told the First Minister in my intervention, the abhorrent policy that we are discussing would have been on the statute book for years had my party not taken a stand in coalition and blocked it. At no point has my party ever denied that welfare reform is needed; indeed, the Poverty Alliance has said for the best part of a decade that the old system is no longer fit for purpose. However, on the issue in question, as with so many other areas in the agenda, the Conservatives have got it far wrong.

The policy that we are debating has rightly grabbed national attention because of the rape clause, but it is the two-child cap, which is at the root of the policy, that will result in families drifting beneath the breadline. I do not need to remind members that, at present, the national outrage that is child poverty involves some 250,000 children or more, and that number is rising.

Next to the Lib Dem uplift in the income tax threshold, family tax credits have been the most effective way of addressing in-work family poverty.

**Neil Findlay:** Does Alex Cole-Hamilton think that even one Tory will have the dignity, honesty and self-respect to vote against their party at decision time?

**Alex Cole-Hamilton:** I very much hope so but, sadly, I also very much doubt it.

With the pound weakening and the cost of living rising as a result of the Tory hard Brexit, mounting an assault on tax credits now would result in those numbers growing still further and far faster. That really does give the lie to the warm words of our new Prime Minister.

I described the two-child cap as the root of the rape clause because the clause could not exist without the cap. If a person were to suggest that such a cap is necessary—I utterly reject that it is—to bring in such a restriction without any exemptions would be unfair and inhumane in itself. That is what is so barbaric about the notion of determining public policy on the basis of an upward limit on childbearing. Any such policy would inevitably lead by necessity to a rape clause. If a policy necessitates a precondition whereby women must actively prove to an employee of the state or a third party that they have been raped, it has no place in a civilised society.

Let us speak truthfully about the landscape in which rape survivors currently find themselves in modern Britain. As we have heard, conviction rates in rape cases that reach court stand at just 33 per cent. To put it another way, if a person endures a rape, which is one of the most life-

shattering, poisonous and dehumanising acts imaginable, and they can get enough evidence to press charges through the courts, they can expect to be believed around a third of the time; for two thirds of the time, people will not be believed.

Against that backdrop, we are saying to some of the most vulnerable women in our country two terrible words that sometimes stand between them and food on the table: “Prove it.” We are asking women to relive the trauma of that experience, in some cases years after the fact, when for many reasons they might not have reported the matter to the authorities, but through sheer financial hardship must now do so. For the first time, as we have heard, children—loved to the rafters as they may be—might come to learn the dark and violent origins of their parentage, due to a bureaucratic requirement in the DWP at Whitehall.

There is a human cost to all that we do in this place and in the House of Commons. There are times when economic circumstance might cause us to pass a policy with which we are uncomfortable and which might cause people harm, but there is a mace at the centre of this room on which are engraved four words around which we seek to instil humanity into all the policy that we pass. Those words are wisdom, compassion, integrity and justice, and I see none of those in the barbaric policy that we rightly condemn through the Government motion.

15:25

**Ben Macpherson (Edinburgh Northern and Leith) (SNP):** I am obligated to remind the Parliament that I am a parliamentary liaison officer to the office of the First Minister of Scotland—a First Minister who is one of four party leaders who have led on this matter. She is one of the leaders in a Parliament of five political parties, and on this issue we have seen real leadership from the First Minister, Kezia Dugdale, Patrick Harvie and Willie Rennie, but not from Ruth Davidson, and not yet, sadly, from any other members of the Scottish Conservative party. To be a leader, one cannot just hold a title; one needs to show leadership. To be a leader, one cannot just think about one’s Tory tribe; one must stand up for what is right. To be a leader, one needs to stand up for the human rights of all the people one represents and not just to conform obediently to the UK Government and Theresa May by seeking to defend the indefensible.

There are many fundamental problems with the Tories’ imposition of the family cap. Most significant is that that senseless policy will increase levels of child poverty and have a disproportionately negative impact on women. According to the Child Poverty Action Group, 200,000 additional children will be pushed into

poverty across the UK as a result of the policy, and according to the Institute for Fiscal Studies it will negatively affect around 600,000 families across the UK. That is the same as the population of the city of Edinburgh.

It is not only children on whom the Tory Government is turning its back. Across the UK, the family cap reveals the truth—that the Tories are hacking away at our benefits system in the full knowledge that their policies will adversely impact on women's rights, as has been argued powerfully by Engender and Women's Aid. The UK Government even admits that itself. Its impact assessment for the Welfare Reform and Work Act 2016 states:

“on an individual basis women may be more likely to be affected than men. Around 90% of lone parents are women, and a higher proportion of this group are in receipt of CTC. Therefore they are more likely to be affected”.

In effect, the UK Government feels that it need only give a cursory nod to the fact that women will be disproportionately affected, and that it can write a tokenistic impact assessment and then ignore the impact that the family cap will have on so many people.

Not only do all those factors make the family cap both illogical and inexcusable; the policy is also based entirely on a misguided presumption. The rape clause has rightly garnered much press attention because people struggle to understand how a political party—or how any people—can take such a callous attitude to other people, but we must not forget that the family cap is the overarching policy that has led to this outrage. Even by the Tory party's absurd moral reasoning, the family cap is based on fundamental flaws. It has been pushed through with absolutely no evidence to support the DWP's assumption that the policy will incentivise families to have only two children if they cannot afford to have more. The policy has been pushed through, as the Equality and Human Rights Commission has said, without a sufficiently detailed impact assessment to support proper scrutiny, without any mention of the public sector equality duty, without any mention of how its aims would be achieved, without any mention of how the potential impact of the policy will be monitored, and without any mention of how adverse impacts that are identified after implementation will be tackled.

In other words, the family cap and the rape clause that is part of it are not only immoral and indefensible but nonsensical and completely without foundation. The idea that it is in any way common for people to have children so that they can claim social security is a damaging and unhelpful myth that politicians—certainly those who want to call themselves leaders—should be challenging, and not pandering to.

The Tory family cap is based on a misguided and cynical world view and on a false premise about the motivations and circumstances of women and men in our communities. The Tories have completely ignored the fact that any family can be hit by redundancy, illness, separation or widowhood at any time—any of which can lead to a significant loss of income.

Children are born for a multiplicity of reasons. What matters, therefore, is not just how loving and responsible their parents are, but how we as a society help them to grow and develop, to be all that they can be and to give all that they can give to the common good. To limit a child's life chances and aspirations on the basis of their parents' level of income is regressive. It is also remarkably misguided to imply that a person's ability to raise and care for a family should be based on their bank balance, but the Tory family cap policy of ripping away state support from families on lower incomes who need that support is a shameful value judgment that does just that.

Human rights say that we do not have a hierarchy of humanity. To impose such an arbitrary and unjust policy is to show a lack of wisdom, compassion and integrity. I therefore urge all fellow MSPs, including Tory MSPs, to think carefully about the principles of this Parliament before they vote tonight and to do what is right—to support the Government motion, reject Ruth Davidson's amendment and support the Labour and Green amendments. Let us all be leaders against the appalling and thoughtless family cap policy and the utterly abhorrent rape clause.

15:31

**Claire Baker (Mid Scotland and Fife) (Lab):** I am glad to have the opportunity to contribute to the debate and add my voice to the coalition that is calling for the removal of the family cap and which is campaigning against the rape clause.

I am grateful to all the organisations that contacted members before the debate to tell us about the negative impact of the changes, and I am grateful to all the people who organised and attended last week's rally outside Parliament. I acknowledge the work of Alison Thewliss MP in opposition to the rape clause. I have done what I can to support her work, including by responding to her consultation.

The welfare state was created to support and help people who are in the most vulnerable and desperate situations. The child tax credit system was introduced with a range of other measures to tailor welfare support for, and focus it on, where it is most needed. The system, which was introduced by a Labour Government, was always about supporting families, making work pay and

tackling poverty. Creating a welfare system is challenging, but at the heart of the project must be the desire to support people and not punish them, to give people opportunities and not desperation, and to offer people hope and stability and not place them in precarious situations in which they cannot support themselves or their families.

A welfare system that does not function properly creates problems in the short term as well as in the long term. The growth of food poverty and food banks, poor mental health, poor aspirations and generational unemployment are the rewards of a punitive welfare system.

What will be the impact of the family cap? The Conservative Government has argued that it will save money and reduce the welfare budget, but the evidence shows that the burden must fall disproportionately on women and children. In its briefing for the debate, Engender tells us:

“86 percent of net ‘savings’ raised through UK Government cuts to social security and tax credits will come from women’s incomes ... Women who are lone parents will experience an estimated loss of £4,000 per year, a 20 percent drop in living standards, and a 17 percent drop in disposable income by 2020.”

The Child Poverty Action Group and the Institute for Public Policy Research estimate that, across the UK, up to 200,000 more children in families with more than two children will be pushed into poverty.

Perversely for a Conservative policy, 65 per cent of the families who will be affected are working families. The Conservatives claim that the policy encourages family planning, but it does not recognise the realities of modern life, whereby families can be hit—often when they least expect it—by redundancy, illness, separation or widowhood, all of which impact on income. American states that introduced the policy had to repeal it after recognising that it did not achieve its objective but only created greater hardship in their communities. The UK measures are so punitive to disadvantaged and marginalised groups that they risk breaching UN treaties.

The exemption to the rule that the Conservatives have introduced has only caused more concern and alarm. The exemption for women who have had a third or subsequent child as a result of non-consensual conception, which is known as the rape clause, has created more problems, difficulties and disgust than solutions. The UK Government must listen to Scottish Women’s Aid and Rape Crisis Scotland when they say that they are in no doubt that the policy will inflict harm on rape survivors. It demonstrates no understanding of a woman’s experience of rape; it fails to appreciate the importance of control of the experience and the information to a survivor; it risks compromising survivors’ trust in services;

and it exposes the woman and forces her to declare a highly traumatic violent experience in order that she can access support for herself and her children.

Furthermore, the policy exception excludes women who live with their partner, thereby ignoring the prevalence of rape within the context of domestic abuse. It does not recognise the level of control and abuse that some women are living with in relationships. At a time when the Scottish Parliament is due to consider legislation on domestic abuse and to acknowledge the prevalence of coercive control, the policy flies in the face of that level of understanding. It also does not recognise that disclosure to a third party leaves a woman vulnerable to repercussions from the person who has raped her, who may be her ex-partner and may still have contact with her children. It also leaves the identified child vulnerable and stigmatised. No thought has been given to the reality for a woman of declaring her child the result of rape for an amount of money that is important to the financial survival of her family.

The role of the third party is also hugely problematic, and it is even more challenging in Scotland as organisations are making clear their intention not to provide the role. It places professionals in the role of gatekeeper to services: they have to verify a person’s claims and judge whether they are telling the truth, which is a terrible situation for a Government to be advocating in the context of rape. The third party also has no responsibility, training or expertise to support someone who has revealed a trauma. In a strong statement, the Royal College of Nursing Scotland has said that it does

“not believe it is appropriate for a nurse or a midwife to arbitrate if a woman’s claim is consistent with rape”.

Furthermore, Scottish Women’s Aid and Rape Crisis Scotland have announced that they will not act as third-party reporters. The policy is in crisis and is increasingly undeliverable in Scotland.

The UK Government has pushed ahead with its policy without considering the negative consequences—either that or it does not care about the negative impacts because it is so persuaded by its own thinking in the face of contrary evidence. I hear the Conservatives making their excuses and giving their explanations this afternoon, and I do not buy it. They would make better use of their influence by joining the rest of us in working to change the UK Government’s mind instead of trying to justify a policy that will push thousands of children into poverty and penalise women who have already endured traumatic and often violent experiences.

15:38

**Ruth Maguire (Cunninghame South) (SNP):**

The last time that I spoke on social security in the chamber, the United Nations had recently condemned Tory welfare reform as being a “grave and systematic violation” of disabled people’s rights. I did not think that I could feel angrier and I did not think that Tory policy could sink any lower. However, the two-child cap and the associated rape clause that we are debating mark a new and awful Tory low.

The two-cap policy is inherently wrong, grotesquely out of touch with most people’s experience of life and misguidedly punitive. Its stated rationale is to create a situation in which

“people on benefits have to make the same choices as those supporting themselves solely through work.”

What the Tories mean by that is that people on benefits should not have more children because they cannot afford the ones that they already have. That assumes that people choose poverty, low pay, irregular hours, redundancy, crisis and the pain of family break-up, relationship breakdown, illness or bereavement. It is not only a ridiculous assumption; it is a dangerous one. We cannot always plan for such things, predict the future or guarantee our circumstances.

The Tories want us to believe in the cruel and nasty notion of “the undeserving poor” because it suits the nasty agenda of some people in their party. However, only a privileged few in the chamber will be so wealthy as to have always been cushioned from the bumps in the road. For the rest of us, our welfare system is a safety net to support us in times of hardship and crisis. The Tory party is fundamentally out of touch with the reality of people’s lives, and it cannot be trusted with our social security system. The policy, like many other Tory policies, undermines the contract between the citizen and the state, and it further chips away at the safety net of our social security system. It is part of a wider set of ideological reforms that have in common the belief that claimants are to blame for their poverty and should be punished for being poor, or disabled, or ill, or women.

Of course, no one will be surprised to hear that this abhorrent policy disproportionately damages women and children. It is predicted that the two-child cap will leave more than 266,000 additional children across the UK in poverty by 2020. That is before we even get to the rape clause, which is the most detestable part of a generally loathsome policy. Despite the Tories’ best efforts to convince themselves and us otherwise, there can be no doubt that forcing women to choose between reliving emotional trauma and impoverishment is abhorrent. It is not “awkward”; it is shamefully abhorrent.

Ruth Davidson and the Tories are seeking to defend the indefensible. Trusted women’s organisations including Rape Crisis Scotland know how distressing and difficult it is for women to disclose rape. They know the importance of trust and non-judgment in their relationships with the women who seek their help. The Scottish Tories claim that the rape clause is the most sensitive way to administer the exemption. Let us get real: there is no sensitive way to force a woman, in order to obtain support to feed her children, to prove that she has been raped. Indeed, the women’s organisations in question find the rape clause so morally appalling and so damaging to their role as support organisations that they cannot and will not administer it: they will not be used as tools to get the UK Government off the hook and they will never participate in something that revictimises women and children. Their doing so would compromise and undermine everything that they stand for and believe in.

No health professionals are prepared to participate, either. The Scottish Tories are well aware of that, but they continue to spread misinformation to the press, to their constituents and in the chamber. They should be ashamed of themselves.

It has not always been clear whether the Scottish Tories actually support the policy or are simply unwilling to criticise the UK Government. I do not know which is worse. The Tories do not normally shy away from telling us whether they think that something is good or bad for Scotland. If they genuinely agree with the policy, they would have debated it: they would have extolled its virtues and engaged us with a convincing defence of the rationale behind it. They have not done that this week, and I have not heard a peep from them on that this afternoon. They have hidden behind spokespeople and have tried to convince us that the rape clause is Tory compassion in action. Most staggeringly of all, they have tried to deflect blame and responsibility for the policy on to the Scottish Government and have called on our Parliament to clean up their party’s mess, and for the people of Scotland to pay twice for social security. Some are attempting to defend the indefensible, and it is showing—we see them.

However, I look across the chamber and I see Tory colleagues who look deeply uncomfortable with the policy. I hope that they have been listening carefully to the strength of the arguments that have been made across the Parliament against the harmful two-child cap and the rape clause, and that some of them will be able to show the courage and the strength to vote with the rest of Parliament against the abhorrent policy.

**The Deputy Presiding Officer:** I call Rachael Hamilton, to be followed by Gillian Martin, who will be the last member to speak in the open debate.

15:43

**Rachael Hamilton (South Scotland) (Con):** In his summer 2015 budget, the then Chancellor of the Exchequer, George Osborne, set out his plans for changes to the Welfare Reform and Work Bill. Eighteen months later, starting on 6 April this year, child tax credits were limited to the first two children in a family. I note that the benefits of families with three children or more who currently receive tax benefits will not be reduced.

I would like to set out the reasons for the changes. First, following spiralling spending by a previous Labour Administration, concerted efforts have been made by a Conservative Government to reduce the public deficit, to rebalance welfare spend and to restore fairness in the benefits system between those who receive benefits and those who pay for them, with families who rely on welfare support being able to make the same financial decisions as those who support themselves solely through work.

**Jeane Freeman:** Will the member take an intervention?

**Rachael Hamilton:** I am afraid that I have only five minutes.

We have all heard stories from constituents who work and are able to provide for their families but have to make difficult financial decisions. Child tax credits are a small part of a large jigsaw of welfare reform that aims to protect the most vulnerable people in our society.

Today, we discuss what is, for many people, a sensitive and delicate issue. That is why there are a number of exemptions to protect those who are at risk. We have already discussed those who are at risk: children who are adopted from care or children who are living long term with relatives, for whom tax credits are important because the alternative would be local authority care. Another exemption is for women who have given birth to children as a result of non-consensual sex. That will ensure that those victims will not lose tax credits for their families through no fault of their own.

**Dr Allan:** Will the member take an intervention?

**Claudia Beamish:** Will the member take an intervention.

**The Deputy Presiding Officer:** Can members sit down, please?

**Rachael Hamilton:** Notwithstanding the strength of feeling over changes to the tax credit benefit, I want to set the record straight over some

of the misleading comments that have been made by the SNP and other parties over the past week. With an election looming, instead of protecting the vulnerable in our society, the Scottish National Party chose to use the policy that we are debating to demonise the leader of the Scottish Conservative Party and to twist an exemption that would help vulnerable persons into the opposite of what it is meant to achieve.

**Kevin Stewart:** Will the member give way?

**Rachael Hamilton:** I have only five minutes—so no, thank you.

**The Deputy Presiding Officer:** Please sit down, Mr Stewart.

**Rachael Hamilton:** The reality is that the SNP and others are choosing to debate an exemption to help people who have experienced something horrific. The purpose of the debate could be to oppose child tax credits being limited to two children; instead, the Government has decided to debate an exemption to that cap that would mean that it would not impact every woman, no matter their circumstances.

From the start, the SNP Government knew that it had the power to implement the two-child tax credit policy and thus the exemption, but it has chosen to ignore that option.

**Mairi Evans (Angus North and Mearns) (SNP):** Will the member take an intervention?

**Ross Greer (West Scotland) (Green):** Will the member take an intervention?

**The Deputy Presiding Officer:** The member has made it clear that she is not taking interventions, so please sit down.

**Rachael Hamilton:** Those are new powers that the SNP Government has, but never uses.

Before a New York audience on her tour of the United States, the First Minister set out how Scotland could be different as an independent country, using the so-called rape clause as an example. What she failed to do is reveal that her Government already has the power to top up UK-wide benefits including tax credits. Given the SNP opposition to changes in child tax credits, surely it would be hypocritical for the SNP Government not to act. Why has the Scottish Government refused to say whether it would pay child tax credits for three or four children? What does the SNP Government do other than attack the Conservative Government for making tough decisions in difficult times?

Yesterday, the Scottish Parliament information centre reported that it would cost £200 million over the next four years to mitigate the cap. That amount of money is less than the £800 million that Derek Mackay found down the back of his sofa

during his budget negotiations. Will the Scottish Government finally use the powers that have been granted to it?

As part of welfare reform, the Conservative Government has made more decisions that have been effective, including cutting income tax by more than £1,000 for the typical taxpayer.

**Claudia Beamish:** Will the member take an intervention?

**Rachael Hamilton:** No, thank you.

Another decision by the Conservative Government was to increase the national living wage to give a pay rise to 1.7 million people and to make sure that work pays. Meanwhile, the Scottish economy is on the brink of recession, and education and health remain neglected by the SNP Government.

I have set out the hypocrisy of the SNP Government. I have highlighted its failure to come clean over the powers that it has to act in respect of changes to child tax credit. The Scottish Government consistently claims that it does not have enough powers and that independence is necessary in order to make the changes in Scotland that it wishes. However, the truth is that the SNP Government has the powers, but continually fails to use them. Instead, the SNP Government is continuing on a path of division and will use anything to demonise the main unionist opposition.

**The Deputy Presiding Officer:** I call Gillian Martin, then we will move to closing speeches. You have five minutes, Ms Martin.

15:48

**Gillian Martin (Aberdeenshire East) (SNP):** This has not been a debate, has it? No interventions have been taken by any of the Tories and they have not asked to make any interventions. Most of them have been sitting with their heads down over their phones. This is the last of the open-debate speeches and I do not have much time, but I will give the Tories the opportunity to intervene on me, with one condition: that they take the chance to stand up and say "Actually, I have been convinced by the arguments put forward by the rest of the parties today and I'm going to stand up for women and families." Any takers? No.

**Members:** Not one.

**Gillian Martin:** More than 1 million children will be affected by this dreadful policy that is set, as has been said, to save the UK Government £1 billion per year. How much do tax evasion and tax avoidance cost the UK a year? The answer is £34 billion. Adam Tomkins talked about the so-called

little note that David Cameron reckoned that the Tories found in the Treasury that said that there was no money left. On the back of that note, did it say "Get it from the vulnerable and the poorest in society"? No, it did not.

The UK Government agreed to make all its laws in accordance with the UN Convention on the Rights of the Child, when it was ratified in 1991. I argue that the policy that is before us directly contravenes that convention, which states:

"No child shall be subjected to arbitrary or unlawful interference with his or her privacy",

yet a mother must confirm to a third-party stranger that she has raped in order that she can access funds for her child. Who is that third party?

Members are asking for more centres for support. The organisations that run the existing centres that provide support to women who have been raped—Rape Crisis Scotland and Scottish Women's Aid—have refused to have anything to do with the abhorrent policy.

Has the Government considered the psychological trauma that will result from having to make such a declaration about a child, either at the point of assessment or later in life?

The UNCRC also states that "every child" should "benefit from social security"; it does not say that only the first two children of a family should benefit. The policy means that there is no link between a child's need and the support that they get.

The UK Social Security Advisory Committee has commented that the DWP faces

"complex challenges in ensuring that the proposals are delivered in an effective, fair and safe way".

It has flagged up concerns about privacy and the requirement that the woman is not living with the alleged perpetrator, and about how the third-party decision model will work in practice. The Church of Scotland, too, has condemned the policy. The clause is as unworkable as it is abhorrent.

The Tories say that the family cap will make families think about whether they can afford to have children. There is so much wrong with that statement that I could use up all my time on it alone. Let us just say that I agree with Christina McKelvie on that matter.

Let us assume that I have covered all the moral ground around who, according to the Tories, has the right to procreate and jump to this point. Regardless of the family's situation at the time of conception, things can and do happen: a parent loses their job, a parent dies, a parent becomes incapacitated or a parent abandons the family, leaving them to struggle. Not many families in this country could handle the loss of one wage for

more than one month before encountering severe difficulty. In the case of families in which there are terminally ill parents or who have just lost a parent, there is the dual assault being made on them by the Tory UK Government's cutting bereavement support.

Last week, one of the architects of universal credit, Deven Ghelani, got in touch with me. He has produced a paper that assesses the impacts of tax credit cuts on third and subsequent children. The paper says that the

"Two child limit to tax credits"

is

"set to drive child poverty up by 10%"

in the next three years. Deven Ghelani continues:

"The behavioural impact of the policy remains unclear, but we know that the costs of poverty are significant ... The cost of the policy will ultimately fall on the children in the families affected."

He was, of course, talking in terms of the UK population.

That is one of the reasons why I take massive exception to the stock response from Tory members here. To quote Ruth Davidson from last week,

"if the First Minister does not like the two-child tax policy, she can change it."—[*Official Report*, 20 April 2017; c 11.]

Aside from the hypocrisy of the Scottish Government being asked yet again to clean up a Tory mess, that is a moral outrage. What of the children and families who are being driven into poverty across the UK? Who is going to speak for them? Who is going to stand up for them?

The policy needs to be scrapped at source: it needs to be scrapped for the sakes of women, families and children across the UK, and it needs to be scrapped for the good of all children who will be subjected to its effects.

15:53

**Ross Greer (West Scotland) (Green):** Like colleagues across almost all of the chamber, I am grateful that we have made time to debate the child tax credit cuts and the rape clause today, although I cannot describe my horror that we have to do so—that the Conservative Party has implemented something so cruel and so utterly revolting that even its own most extreme members can barely muster a defence.

Did Ruth Davidson's contribution not expose that so well? The mask that she has carefully constructed to create an acceptable face of her party has well and truly slipped. She has spent years trying to convince voters that the Tories are the nasty party no longer, but when we cut through

the tank-riding, bagpipe-playing bravado, we can see that Miss Davidson is just another cruel member of a cruel party—or worse, she disagrees, but the famously honest and plain-spoken politician is too cowardly to say so.

This is nothing new. Time and again, the Tories go after the most vulnerable people in society and impose the costs of austerity on those who are least able to bear them. The Tories have already hammered people who have disabilities. While Ruth Davidson poses on top of mobility scooters, her party takes away 800 mobility cars a week, which is leaving disabled people isolated. While she is out there claiming that Theresa May has helped women, the Tory party is forcing rape victims to jump over invasive bureaucratic hurdles just to claim basic support. As Alison Johnstone mentioned, 86 per cent of the £26 billion-worth of cuts implemented or planned for this decade have or will hit women.

The Tories have again become the party of child poverty. Nearly one in four children in the UK live in poverty, which is 4 million children in one of the richest countries in the world. Just today, a new report highlighted that 3 million children are at risk of hunger over the school holidays. The Child Poverty Action Group estimates that a further 200,000 children will enter poverty because of the two-child policy alone, but what does that matter when Tory party donors are getting their tax cuts?

I thought that it would be hard for the Tories to stoop even lower than the cuts to support for people with disabilities—cuts that have killed—yet they have managed to do exactly that. They are content to force women who have been through the horrific trauma of rape to relive it. They danced around that point today, but I will happily give Ruth Davidson some of my time if she wishes to clarify. Why does she want survivors of rape to potentially give up their anonymity and disclose their experience to a complete stranger? Why does she think that they need to relive the trauma? Will she tell me and the public why? There is no response, which is not surprising. It is cowardly, but not surprising.

There is a clear risk that people whom survivors of rape know will find out, such as friends and family whom they might not have wanted to find out. There is a risk that a survivor's child will find out once they are old enough to understand the welfare system. So much stress and anxiety is being imposed on vulnerable women and their families just to take money away from children.

That is everything that I have ever seen the Tory party as, but rarely has it been so blatant. The policy undermines basic human rights to privacy and to family life, and the rights of children. I am aware that Alison Thewliss MP, who we must all thank for leading the campaign, has written to the

UN to request another investigation of this Tory Government on human rights grounds.

The UK Government has claimed that third-party experts will handle the rape clause sensitively, yet many women's organisations have ruled themselves out of that role, as has the Royal College of Nursing. The organisations have raised many valid concerns about how the policy would undermine their relationship with the people who they are trying to help and undermine the vital services that they provide to victims.

I ask Rachael Hamilton why Rape Crisis Scotland, Women's Aid, the Royal College of Nursing, the Child Poverty Action Group, the Equality and Human Rights Commission and many others are wrong and the Tory party is right. Why is that, Miss Hamilton? There is no response.

Ruth Davidson called for the facts to be clear. I agree, so I have to point out to Miss Davidson and Adam Tomkins that they made incorrect statements in the debate—through ignorance rather than malice, I assume. They said that women do not need to report their rape as a crime to claim tax credit, but that is not entirely the case. Under the Criminal Law Act (Northern Ireland) 1967, it is mandatory to report serious crime, so what situation will women in Northern Ireland now be in?

Conservative members have talked a lot about the powers of this Parliament—powers that they never wanted us to have—and they expect us to act, but this Parliament was not designed to act as the final line of defence against the cruelty of Conservative Governments in Westminster. That is not our role. This Parliament's role is to improve the lives of the people of Scotland, not to implement desperate last-minute measures to prevent those lives from getting even worse.

Some Conservative colleagues are here because of their belief in the union, rather than because of an enthusiastic conservatism. I respect that, but is this policy what they wanted to spend their parliamentary careers defending? Did my colleagues in the west of Scotland—Jamie Greene, Maurice Corry, Maurice Golden and Jackson Carlaw—really come here to defend the rape clause? I do not believe that that is why Jackson Carlaw is here, because he admitted this weekend that the policy is “awkward”. As Christina McKelvie pointed out, it might be politically awkward for the Tories, but it is an intolerable trauma for rape victims around the country.

Policies that are designed to limit families to two children exist in only a few places—Vietnam, Iran, China, Singapore and now the UK. Do the Conservatives want to go down in the history of the Scottish Parliament as having voted in defence of the policy? They were elected on the banner of

being a strong Opposition. If they cannot oppose the rape clause, what on earth can they oppose?

15:59

**Pauline McNeill (Glasgow) (Lab):** How did the Tories get themselves into the position of defending a clause that is now, and for ever will be, known as the rape clause? How did the Tory leader find herself in full flow this afternoon—for about two minutes, I think—discussing the inadequacies of the criminal justice system for rape victims? How do the Tories now find themselves at odds with all the agencies that would be the third parties that are meant to report on and administer the clause? How could any right-thinking person ask those agencies to judge whether a woman has been raped if she has not gone to court? You could not make it up.

As many women and men have said in the chamber, the Tories just cannot see it—it is excruciating to watch, to be perfectly truthful. The policy is a full-frontal attack on women and women's lives; on the poorest women; and specifically on poor women who have been raped. Why cannot the Tories see that?

Some Conservative members in the chamber seem to understand the high sensitivity about the issue of a rape victim who falls pregnant; I do not doubt that. However, they will not make the jump to understand the insensitivity of asking that woman to complete a form and go through the ordeal again by coming forward and saying that she was raped.

Kezia Dugdale read out a letter from a woman who had written to her. I am pretty sure that there are many women who would not be prepared to put themselves through the process of filling in the form, not just because of their ordeal but as a matter of principle. I think that the policy will fail.

Tories who are in the chamber today have been reduced to arguing for more sexual assault centres. We all agree with that, but is that really their defence? As Sandra White mentioned, it is interesting that the Tory amendment states that the policy is designed to protect “future generations”. If that is what the Tories believe, I find that ironic, to say the least, because if the policy has the desired effect, the future generation will certainly be a lot smaller. In our debates in the chamber on Brexit, we have discussed the need to grow the population and support the growth of families. In Scotland, one of the big issues for the economy is the reduction in the population; it is quite staggering.

In defending the clause, Tories have completely overshadowed the two-child policy that they were trying to defend in the first place. The IFS says that families can expect to lose about £5,000 of

income by 2020-21—that is an 18 per cent reduction in pay—and that is measured by assessing what pay would have been if the 2008 crash had not happened. As I said recently, wage stagnation is at its worst in Britain since the 1830s, and that is pushing more and more families—who were not responsible for the financial crash—into poverty. Ben Macpherson made the important point that any one of us can find ourselves in a situation in which we are no longer in our job and have been made redundant, and in which we might need child tax credits.

The child tax credit system is probably the biggest single measure that is lifting children out of poor lives. Removing such support will ensure that thousands of families find themselves in poverty. That is unfair, but it is also stupid at a time of economic uncertainty.

I want to clarify one point. Members will all have seen the “Support for a child conceived without your consent” form—I am holding it up now—in advance of the debate. It is clear that people have to fill in their name and national insurance number, give their address and declare:

“I believe the non-consensual conception exception applies to my child”.

As Claire Baker and Ruth Maguire pointed out, a stigma could be attached to a child born as a result of rape who is listed in the form, and it beggars belief that a Government policy would encourage that.

On multiple births, I had to read the guidance on exceptions at least three times to see whether I had read it correctly. It says:

“For example, if you already get Child Tax Credit for 2 or more children and you have twins, you’ll get the child element for one of the twins. If you have triplets, you’ll get the child element for 2 of the triplets.”

I mean—seriously? The policy is in crisis. Wherever it started off, can the Tory members not see that it is in crisis? This is about women who have been raped or coerced. If a woman has not had the courage to leave an abusive relationship, what makes the Tories think that she will have the courage to come forward and complete this shameful form? It is just unbelievable.

The Parliament has the powers to do something about this—yes, undoubtedly it has. Devolution has been a protection from many policies. Rachael Hamilton said that the other parties are accusing or trying to demonise the Tories, but I think that the Tories are making a good job of that themselves, to be perfectly honest.

Theresa May wants to look at families who are just managing. Let us not forget that the families who are affected by the policy are the very families who are just managing. Let us do the right thing

for the country, the right thing for women and the right thing here in this Scottish Parliament—let us speak up for Scottish women. I ask the Tories to reconsider their position at the vote tonight.

16:06

**Donald Cameron (Highlands and Islands) (Con):** As I close for the Scottish Conservatives in what has been an emotional and passionate debate, I acknowledge that none of us here today can overstate the appalling, brutalising nature of rape as a crime. It is without doubt devastating for the victim and I simply cannot add to what others across the chamber have said about its traumatic effects. Making any changes to a support system such as tax credits was always going to create fierce discourse, but all of us should bear in mind that we are talking about real people and the effects of policy upon them. Those people are not served by partisan politics or by exaggerated statements about how specific aspects of the new policy will work in practice.

I would like to set a few things straight, because some things have been said and continue to be said that require correction or, at the very least, require to be put in context. One phrase that has been used, with which I take issue—indeed, it finds its way into the Government motion—is “proving rape”. Let me describe what “proving rape” means to me, in the light of working in our criminal courts when first training and then helping to prosecute sexual offences as an advocate.

To successfully convict an accused of rape, there must be proof beyond reasonable doubt. That is the very highest standard of proof that our law can insist upon. It is well known how difficult it is to secure convictions in rape trials—Alex Cole-Hamilton gave the statistics. However, it is worth reminding members what happens when the victim of an alleged rape gives evidence in court.

Although the court is normally closed to the public and the victim gives evidence shielded—

**Patrick Harvie (Glasgow) (Green):** Will the member give way?

**Donald Cameron:** No. I am not going to give way.

**Patrick Harvie:** One of you should.

**Donald Cameron:** The victim gives evidence shielded from the accused—[*Interruption.*]

**The Deputy Presiding Officer:** Please let us hear the member. [*Interruption.*] Let us hear the member—have the courtesy to hear his arguments.

**Donald Cameron:** Although the court is normally closed to the public and the victim gives evidence shielded from the accused by screens,

she will remain in full view of the jury, not to mention lawyers and staff. She will remain in full view of 15 men and women—[*Interruption.*]

Members may think that the description of a rape victim giving evidence—[*Interruption.*]

**Kevin Stewart:** On a point of order, Presiding Officer. We are here today to discuss very serious issues; I do not think that any of us is here to listen to a lecture about the justice system. We are here to deal with the nonsense of the child cap and the rape clause. Could the member please address that?

**The Deputy Presiding Officer:** Please sit down. I understand that the member will link that into his points in the debate.

**Donald Cameron:** The expression “proving rape” is what I was considering and asking the chamber to consider.

I stress that I make these points not to contrast them with what is required by the policy here. These are plainly different processes with different purposes that cannot properly be compared in practice. However, context is critical, and my plea today is for a sense of perspective, however hard that may be when dealing with such sensitive and complex issues—

**James Dornan (Glasgow Cathcart) (SNP)** rose—

**The Deputy Presiding Officer:** Please sit down.

**Donald Cameron:** —not just in terms of the substance of the arguments, but in the words that we use and the language that we deploy.

**Patrick Harvie:** Will the member take an intervention?

**Donald Cameron:** The Government motion is fundamentally wrong when it says that the policy

“will force victims of rape seeking to claim child tax credits to prove to the UK Government that their third child was born as a result of non-consensual sex”.

**The Deputy Presiding Officer:** Please sit down, Mr Harvie.

**Donald Cameron:** With respect, it does no such thing. No one is forced by the form to do anything, let alone

“to prove to the UK Government that their ... child was born as a result of non-consensual sex”.

**The Deputy Presiding Officer:** I am sorry—just a minute, Mr Cameron.

For the avoidance of doubt, it is up to the member, and no other, whether he takes an intervention. If he does not want to take an intervention, he does not need to.

**The Deputy First Minister and Cabinet Secretary for Education and Skills (John Swinney):** On a point of order, Presiding Officer. You will understand that I raise this point with great caution. I do not think that Mr Cameron had the opportunity to say to Mr Harvie whether he was going to accept or reject the intervention. May I be so presumptuous as to say that I thought that perhaps you jumped in a bit early?

**The Deputy Presiding Officer:** You are being presumptuous, Mr Swinney—do not tell me my job. I could tell that Mr Cameron was not prepared to take that intervention and time is tight. If I was wrong, Mr Cameron will clarify that. Were you going to take the intervention?

**Donald Cameron:** No.

**The Deputy Presiding Officer:** He was not.

**Neil Findlay:** On a point of order, Presiding Officer. The Presiding Officer of this Parliament is engaging in a discussion around parliamentary reform, which is a very important issue. Is the behaviour of the Conservative Party members in this debate not something that the Presiding Officer should look at? The leader of the Opposition, a professor and an advocate have all been unwilling to take any interventions from anyone in the debate. That brings this Parliament—[*Applause.*]

**The Deputy Presiding Officer:** That is not a point of order, Mr Findlay. Please sit down. I have been in this Parliament for many years and I have been in many debates in which members have never taken interventions. It may not be a happy situation—that is a matter for members and I make no comment.

**Donald Cameron:** Thank you, Presiding Officer.

I accept, unequivocally, that the form requires a declaration by the claimant of child tax credit that the exception applies and that the child in question was born through non-consensual conception, including rape, but that is not the same as proving rape to the UK Government.

Let us be clear about what is required of the third-party professional, too. The third-party professional, having been contacted by a claimant, must confirm that

“the claimant’s circumstances are consistent with it being likely that the claimant conceived through an act by another person to which the claimant did not agree by choice.”

**James Dornan:** Will the member take an intervention?

**Donald Cameron:** No.

Likewise, that is not a matter of proving rape to the UK Government. Further, far from being

abhorrent, the third-party professional model as a means of supporting women is already being used to support victims of domestic abuse, and it is proven to be effective. Third-party professionals support domestic abuse victims and signpost them to benefits, such as housing benefit for a refuge.

We all know that one of the inevitable aspects of Scottish politics is the relationship between Holyrood and Westminster. On the Conservative benches, we are all used to the criticism that has been levelled at the UK Government over the past seven years. The times when that criticism was most potent were when a tax or welfare policy was being imposed on Scotland unilaterally, without any ability for Scotland to plough a different furrow.

In those circumstances, the outrage expressed was understandable, even if there was disagreement about the ultimate direction of travel. However, it is not understandable here—not with this policy. As has been said by others, the Scottish Government has the powers at its disposal to change this if it chooses. It is time for the Scottish Government to take responsibility—*[Interruption.]*

By all means express outrage; by all means howl at us; by all means cry shame—

**Monica Lennon (Central Scotland) (Lab):** Will the member take an intervention?

**The Deputy Presiding Officer:** The member is in his last minute.

**Donald Cameron:** The Government has the power to change the policy—at least have the courage to step up to the plate and offer Scotland an alternative.

16:14

**The Cabinet Secretary for Communities, Social Security and Equalities (Angela Constance):** The Tories might have attempted a more emollient approach today, with some more convivial tones. Apparently, the issue is all just a great misunderstanding, or a mendacious misrepresentation by members of other parties—or, in the words of Jackson Carlaw, it is all just a little bit “awkward”. For many years, Jackson Carlaw has been a champion of the Jewish community. Some 52 per cent of the Jewish community have three or more children. I suggest to Mr Carlaw that that fact is a bit awkward for him. Further, in the Muslim community, 60 per cent of people have more than two children. That figure compares to 30 per cent in the rest of the community.

The Tories have attempted to defend the indefensible—or, more accurately, to deflect the focus onto the Scottish Government or, indeed,

the past Labour Government. However, we should make no mistake about it: the mask has well and truly slipped. The toxic Tories are back, and they are back with a vengeance because, if they get away with the rape clause and the two-child policy, they will think that there is no stopping them. In this Parliament, we feel differently. The rage and the passion at the injustice that is felt by the members on the SNP, Labour, Green and Liberal Democrat benches are palpable. In short, the two-child cap on tax credits—and, we should not forget, on universal credit—and the rape clause are nothing short of a mendacious interference in family life that breaches the human rights of women and their children. Indeed, those policies turn the clock back to the 1970s in terms of fighting poverty and inequality. Even worse, they represent dog-whistle politics of the very worst kind.

We have to ask ourselves what the UK Government is really saying. Is it saying that having more than two children is only for those and such as those? Is it only for the likes of the Deputy First Minister of Scotland to have three children? Is it only for the likes of Professor Tomkins to have four? Is it only for the likes of the Presiding Officer to have six or seven? Ruth Maguire hit the nail on the head when she pointed out that what the Government is saying is that, if someone hits upon hard times, or becomes unemployed, or does not earn a great wage, there will be no safety net for their third child or subsequent children. It is saying that that person does not deserve support. That is an assault on the poorest, whether they are in or out of work.

Make no mistake: the UK Government's cuts are having a hugely damaging and disproportionate impact on women. We know—and the Treasury knows—that women are twice as dependent on social security as men. The cuts hit women the hardest. Some 75 per cent of the cuts since 2010 have come directly from the pockets of women. The two-child limit will impact on 54,000 families the length and breadth of Scotland by 2021 and, as Pauline McNeill says, will increase child poverty by 10 per cent. How is that, in the words of the Tory amendment, managing

“public finances carefully for future generations”?

What it is, is balancing the books on the backs of the poor. As Sandy Brindley from Rape Crisis Scotland said on Twitter,

“The last thing women need is to have to face decision whether to disclose or be unable to feed their children”.

Do the Tories not understand that, or do they just not care? All this is an example of what happens when women are missing from or are under-represented in the decision-making process.

Let me be clear: this Parliament is fundamentally opposed to the two-child cap in its entirety. We believe that all children should be supported, not just the first two, and that they should be supported when their families need that support most. I believe that this Parliament is clear that there are no circumstances in which it is acceptable for a woman to have to disclose that she has been raped in order to receive a benefit.

The UK Government seems to think that it is acceptable to have an eight-page form with large, bold words on the front that say, "Support for a child conceived without your consent". That is not a form that, as Jackson Carlaw told BBC Scotland, simply means that women would have to declare to their general practitioner or another health professional the circumstances in which they had conceived their child, or that, as Ruth Davidson told BBC Scotland, means that all that women would have to do is simply write their name in a box.

I say to Donald Cameron that he should turn to page 2 of the eight-page form, where he will see what women are asked. They are asked whether the perpetrator has a conviction and whether they received criminal injuries compensation. If they answer no to those questions, the form tells them that they must suffer the indignity of seeking out a third-party assessor to whom they must disclose some of their innermost and most private matters.

Let me say to Ruth Davidson that if a woman has to tell anyone that she has been raped, abused or coerced, or that she lives in fear of violence or in fear of her life, it is never a simple case of just writing her name. She must relive that rape, relive that abuse and relive that violence. She must tell a person, no matter how sympathetic they may be, that her child is the result of abuse. Imagine having to put your child's name in that box—once it is there, you cannot take it back. That is the reality of the rape clause.

Let me say to Jackson Carlaw, good luck with finding a health professional, a social worker or a third sector organisation who will participate with this ideologically driven nonsense.

Let me say to the UK Government, I hope that you do not even think about laying this upon DWP staff or, indeed, asking Atos or some other private contractor to do your work for you. Do not even think about going there.

Mr Cameron, if we turn to page 5 of the form, we see that women have to confirm that they are not living with the child's other parent, who raped or coerced them. Have the Tories never heard of rape within marriage? Have the Tories never heard of coercive or controlling relationships?

The pièce de résistance is on page 7, where professionals are asked whether the claimant's

circumstances are "consistent". Are the claimant's circumstances consistent with what? That is dog-whistle politics going back to the days of deserving and undeserving women.

**Monica Lennon:** Will the member give way?

**Angela Constance:** Briefly, thanks.

**Monica Lennon:** I appreciate that, given that I wanted to ask Donald Cameron this question, but clearly the policy today is that the Tories are not allowed to take interventions.

Quite frankly, when we talk about rape and sexual violence, women are often not believed or are blamed for what has happened to them and asked to justify what they were wearing and so on. If a woman is not believed, or if she gets the benefits but someone later makes a complaint and there is an investigation—let us face it, we have all had surgeries, as councillors or as MSPs, and that is what happens—has the UK Government provided any guidance or explanation whatsoever about how that will be dealt with "compassionately" and "in context"?

**Angela Constance:** No, the UK Government has not, and the hard fact of the matter is that the so-called rape clause exemption cannot be implemented compassionately—that is just not possible.

On the point about domestic violence, this Parliament has led the way in tackling violence against women and girls. It started with the Labour-Liberal coalition and that work has continued under this Government. We have led the way, but that does not mean that there is not more to do. We have invested record levels of funding, but it is not right that the Tories should use that as a deflection to try to defend the indefensible and to point away from their own record.

I want to speak briefly about mitigation. In all of the debates in which I have participated in this Parliament, I have never demurred from the debate about what more we can do with the powers and resources that we have, and I never will. In fairness, we need to acknowledge some things; as Alison Johnstone said, mitigation is about making something "less severe"—it is not to reverse, stop or change it. Gillian Martin was absolutely right that this should be stopped at source, not just for women in Scotland but for women and children across the UK.

It is worth always remembering what we already mitigate. Since 2013-14, we have invested more than £350 million to fully mitigate the bedroom tax; we have helped more than 241,000 individual households, a third of whom have children, through Scottish welfare. We have invested £1 billion in the council tax reduction scheme, helping

almost 500,000 households each year to meet their council tax. When will the Tories stop expecting us to pick up the pieces? When will they stop treating this Parliament as a handmaiden who has to pick up the pieces of broken lives?

Kezia Dugdale was right: she said that the purpose of this Parliament was about making a difference, giving people hope, giving people a lifeline and giving people a voice. Tonight, we should not and must not let the Tories off the hook with regards to their responsibilities. In 2015, when cuts to child tax credits and the imposition of the two-child limit were announced by George Osborne, Ruth Davidson made a big deal about how she was not afraid to speak up to London ministers. She even said that if there was a real, practical, human problem, the Government needed to look at it again. Well, we have a real, practical, human problem. We have a problem now and it needs to stop. It is always a significant moment when the SNP, Labour, the Greens and the Liberals stand united against the Tories, irrespective of our differences. Whether we are nationalists, unionists, federalists or something else, we are all united in opposing the two-child cap and the abhorrent rape clause, which we see as anti-women, anti-child, anti-family and fundamentally wicked.

Ruth Davidson says that the Tory Government has a mandate. Well, it does not have a mandate in this place and it is not doing this in our name. Now is the opportunity for Ruth Davidson and the Tories to stop digging and deflecting. It is time for them to do the right thing, to stand up for women, children and families across the United Kingdom, and to join us in demanding that the UK Government rips up the rape clause.

## Air Departure Tax (Scotland) Bill: Stage 1

**The Deputy Presiding Officer (Linda Fabiani):** The next item of business is a debate on motion S5M-05283, in the name of Derek Mackay, on the Air Departure Tax (Scotland) Bill at stage 1.

16:27

**The Cabinet Secretary for Finance and the Constitution (Derek Mackay):** I am delighted to open the stage 1 debate on the Air Departure Tax (Scotland) Bill. The devolution of powers over air passenger duty to the Scottish Parliament was recommended by the Smith commission in November 2014. Following the passage of the Scotland Act 2016, the Scottish Parliament now has the power to legislate for air departure tax, which will replace APD in Scotland. In the programme for government, the Scottish Government announced that a bill would be introduced to establish a tax to replace APD in Scotland. To deliver on that commitment, the Air Departure Tax (Scotland) Bill was subsequently introduced on 19 December 2016.

Under terms agreed between the Scottish and UK Governments in the fiscal framework, APD will cease to apply in Scotland from 1 April 2018, the block grant will be adjusted downwards and, if the bill is enacted, ADT will replace APD from that date.

Separately, the Scottish Fiscal Commission will assume responsibility for producing independent forecasts of receipts from ADT for future Scottish Government budgets. Those forecasts will reflect the Scottish Government's policy for ADT at that time.

The bill establishes the general structure and operation of ADT, which is a tax to be charged on the carriage of passengers on flights that begin in Scotland. The tax will apply only for the carriage of chargeable passengers on chargeable aircraft, and will be payable by the aircraft operator.

Revenue Scotland, Scotland's tax authority for devolved taxes, will be responsible for collecting and managing ADT, which it has done efficiently and effectively since 1 April 2015 for Scotland's other devolved taxes, which are the land and buildings transaction tax and the Scottish landfill tax. The bill as introduced also includes powers for Scottish ministers to set tax exemptions, tax rate amounts and tax bands through secondary legislation. I will say more on exemptions later. Setting tax bands and tax rate amounts in subordinate legislation is consistent with the approach adopted in relation to other devolved taxes.

The Scottish Government is seeking parliamentary approval for the bill in advance of the summer recess. With the core foundations of the tax in place, we will then set tax rates and tax bands through secondary legislation in the autumn. The secondary legislation will be subject to the affirmative procedure, which means that Parliament will have the opportunity to scrutinise tax bands and tax rate amount proposals at a later date. Those cannot come into effect without Parliament's approval. In future years, tax bands and tax rate amounts—

**James Kelly (Glasgow) (Lab):** Will the cabinet secretary take an intervention?

**Derek Mackay:** Of course, but after I make my point.

In future years, tax bands and tax rate amounts will be set as part of the budget process, which is consistent with existing practice for other devolved taxes.

**James Kelly:** At what point in the process will the cabinet secretary outline the cuts that will have to be made to the Scottish budget to take account of the up to £189 million less that will be in the budget as a result of the introduction of a policy of reducing ADT by 50 per cent?

**Derek Mackay:** I am coming to the policy intention and I will engage with the wider community, Parliament, political parties and the sector to understand and outline our position. However, it is clear that the Government has had a long-standing commitment to delivering a 50 per cent reduction in the overall burden of ADT by the end of the current parliamentary session, and to abolishing the tax when resources allow. That is a long-standing position to support our economy.

**Patrick Harvie (Glasgow) (Green):** This is the central contradiction in the bill. The minister is now saying that he is going to conduct discussions with all the parties and economic analysis. Surely the Government should have done that before deciding what its tax policy is going to be. What on earth is the rationale for deciding on a tax policy before having a clue what its impact is going to be?

**Derek Mackay:** The Scottish Government has been clear. We support that position, and we have looked at the evidence. I have been asked to expand on the independent evidence and I have said to the committee that I am willing to do that.

The plans are a key part of the Scottish Government's economic strategy, in particular in boosting trade, investment, influence and networks, which are especially important given the economic threat posed by Brexit. Scotland's airports are competing on the world stage to secure new routes and capacity. Reducing the tax

burden helps to ensure that there is a more level playing field with the many other European airports that are competing to secure the same airlines and similar routes. New routes will enhance business connectivity and tourism.

Today, we are proposing the foundations of the tax. I will return to tax rates and bands in due course, as is the case with other devolved taxes.

As is also the case with other devolved taxes, the Scottish Government has taken and will continue to take a consultative and collaborative approach to engaging stakeholders on how ADT should be structured and operated. We published a policy consultation last year that generated a range of views. Since then, we have worked carefully to refine our legislative proposals, reflecting on the responses that we received. In addition, in August 2015 we established a stakeholder forum, which I chair, to provide input into the development of our policy on and legislative proposals for ADT.

Revenue Scotland is also taking a collaborative approach to stakeholder engagement and is actively working with aircraft operators and others on matters relating to the collection and management of ADT, such as information and communications technology and guidance.

The Scottish Government has also listened to the responses that the Finance and Constitution Committee received during its consideration of the bill at stage 1, and I thank that committee and the Delegated Powers and Law Reform Committee for their detailed scrutiny of the bill and for the conclusions and recommendations in their stage 1 reports.

The Scottish Government welcomes the Finance and Constitution Committee's support for the general principles of the bill. Last Friday, I responded to all the issues raised in the recommendations in the committee's report. I will highlight some of the key aspects of that response. The Scottish Government agrees with the committee and stakeholders that it is important that our plans for ADT are supported by robust evidence and that the impacts are monitored over time. The Scottish Government has therefore commenced the commissioning of an independent economic assessment of the Government's plans for a 50 per cent reduction in the overall ADT burden by the end of the current parliamentary session.

**Neil Findlay (Lothian) (Lab):** Will the minister take an intervention?

**Derek Mackay:** I will maybe take a further intervention after I have made some more progress.

The assessment will report in the autumn, no later than when the Government sets out its secondary legislation plans for tax rate amounts and bands. In addition to that analysis, a robust monitoring and evaluation framework will be put in place for assessing the economic impacts of ADT in the future.

The Scottish Government has listened to the environmental concerns about our plans that some respondents have raised and is already committed to undertaking a full strategic environmental assessment of our ADT reduction plans. The screening and scoping report, which is an example of good practice, openness and transparency, was made available last year for full public comment.

The next main step of the SEA process is to publicly consult on the Scottish Government's plan for an overall 50 per cent ADT reduction along with an accompanying environmental report, which will outline the findings of the assessment of the plan against a wide range of environmental topics, such as climate factors, air quality and biodiversity.

As well as the SEA, the Scottish Government is currently undertaking quantitative assessments of the likely greenhouse gas emission and noise impacts of our overall 50 per cent reduction plan. The noise assessment will be published in the autumn, no later than when the Government sets out its secondary legislation plans for the ADT tax rate amounts and bands that will apply from 1 April 2018.

**Mike Rumbles (North East Scotland) (LD):** So far, the finance minister has not mentioned the fact that Transport Scotland has concluded that what has been proposed will mean 60,000 tonnes of carbon dioxide emissions going into the atmosphere every year. Is not that a rather important point that he seems to have omitted so far?

**Derek Mackay:** In giving further detailed evidence to the Finance and Constitution Committee and others, the Government has made it clear that we will need to work harder in other areas of the environment and in transport, recognising the policy's impact on emissions, in aiming to achieve our very ambitious climate change targets.

Supporting information will be published for the SEA consultation on the Scottish Government's approach.

I turn to exemptions and the Highlands and Islands issue, which is very important to many people.

Although there is a case for considering exemptions alongside tax bands and tax rate amounts—an exemption being a zero rate, in

effect—the Scottish Government has listened carefully to stakeholders, the Finance and Constitution Committee and the Delegated Powers and Law Reform Committee, and we will lodge amendments at stage 2 that provide for passenger and aircraft exemptions.

I bring to members' attention an important policy and legal matter concerning the introduction of an ADT exemption for passengers who fly from Highlands and Islands airports. A similar exemption has applied under APD since 2001. The Scottish Government strongly supports retaining a like-for-like exemption under ADT, and is interested in suggestions that have been made during stage 1 for enhancing the exemption. As ADT is a new tax devolved under the Scotland Act 2016, the Scottish Parliament is legislating for the first time on the matter. After careful consideration, the Scottish Government's view is that such an exemption has to be notified to and assessed by the European Commission under state-aid rules before it is implemented in compliance with European Union law. The Scottish Government will work closely with the UK Government to resolve that matter. As the EU member state, the UK is responsible for notifying the exemption to the European Commission. I have spoken to the Secretary of State for Scotland and the Treasury about the matter, and I am exploring alternative solutions. I will, of course, ensure that Parliament and stakeholders are kept regularly updated on the issue.

In conclusion, taken together, the provisions in the bill provide the basis for a tax that is well understood by taxpayers and is simple and efficient to collect and manage. The secondary legislation powers in the bill, which are, in most circumstances, subject to the affirmative procedure, provide sufficient legislative flexibility to make future changes to the tax in order to support key Government policies or reflect changing market conditions, or to make changes in light of Revenue Scotland's operational experience of collecting and managing the tax.

There is general support from stakeholders and support in the chamber for the principles of the bill and the establishment of a tax to replace APD in Scotland. I appreciate that, underneath that support, there is a range of views on whether the tax should be reduced and, indeed, how that tax reduction should be applied to maximise the economic benefit for Scotland.

The Government remains of the view that our approach of reducing the overall burden of the tax by 50 per cent by the end of the current session and then abolishing the tax when resources allow will deliver strong economic benefits for Scotland. I look forward to debating those and other issues this afternoon.

I move,

That the Parliament agrees to the general principles of the Air Departure Tax (Scotland) Bill.

**The Deputy Presiding Officer:** I call Bruce Crawford to speak on behalf of the Finance and Constitution Committee.

16:40

**Bruce Crawford (Stirling) (SNP):** It is my pleasure to speak as the convener of the Finance and Constitution Committee. I put on record my thanks to my fellow committee members for the constructive manner in which they went about their deliberations on the Air Departure Tax (Scotland) Bill. I also pay tribute to the professionalism of the clerking team in assisting us with our scrutiny of the legislation and thank all of the stakeholders for their contributions.

The Air Departure Tax (Scotland) Bill marks another important step, a milestone or even—dare I say it—a new departure in the implementation of the Scotland Act 2016. In scrutinising the bill, the Finance and Constitution Committee recognised that it is essentially an enabling bill. That is, the bill provides the means to tax passengers departing from Scottish airports when the UK's air passenger duty is disapplied in Scotland with effect from April 2018. Without this bill, passengers leaving from Scottish airports would be able to fly untaxed.

I know that some members will think that that is a good idea while others will not. Whatever views there are, the committee supports the legislation enabling such a tax to be levied in Scotland.

**Patrick Harvie:** I am sure that the committee convener would recognise that it would be a more accurate description of the situation to say “if no such bill were passed”. We do not have to pass this bill. If this bill were to fall, the Government would be forced to come back with a better one.

**Bruce Crawford:** I cannot deny that logic—there is no point having a fight about something that no one would disagree with.

The committee made a wide range of recommendations in its stage 1 report. I will not have time to address all of them in my speech, but I want to comment on three specific issues that emerged during the committee's scrutiny of the bill and areas where the committee considered that improvements could be made. The issues are: the evidence base for the proposed 50 per cent reduction in ADT during the current parliamentary session; how outcomes will be monitored; and how the exemptions to ADT will be dealt with.

Although it is not part of the bill, the committee considered the Scottish Government's stated policy intention to reduce ADT by 50 per cent and

ultimately to abolish ADT when resources allow. It is fair to say that, during our deliberations, the lack of the required level of evidence regarding the economic impact of the proposed 50 per cent reduction was a recurring theme. As a result, the committee recommended that the Scottish Government commission an independent economic impact analysis of the proposed reduction in ADT. I welcome the fact that the cabinet secretary's response to the committee confirms that the Scottish Government has commenced the commissioning of such an independent economic analysis.

To date, the Scottish Government has not set out the tax rates and bands for ADT that it intends to apply. The committee recommended that, as well as publishing the proposed tax rates and bands, the Scottish Government should publish the forecast of the impact of the proposed 50 per cent reduction on the Scottish budget to 2021-22. I therefore welcome the Scottish Government's response that it will provide a forecast of the economic impact on the Scottish budget at the same time as it sets out its secondary legislation plans for the ADT tax rates and bands that will apply from April 2018.

In a similar vein, the Scottish Government is required to publish a strategic environmental assessment alongside the tax rates and bands. We considered that the Scottish Government should publish an analysis of the likely increase in carbon emissions arising from the proposed 50 per cent reduction as part of the strategic environmental assessment. Again, therefore, I welcome the cabinet secretary's announcement that a quantitative assessment of the greenhouse gas emissions will be published alongside the environmental report, as part of the strategic environmental assessment.

The committee heard a wide range of evidence from witnesses on examples from countries where taxation on air travel has been reduced or abolished. The committee welcomes the cabinet secretary's previous commitment to provide further information on the experience of the Republic of Ireland and in particular the regional impacts within Ireland of the decision to abolish aviation tax.

An issue that relates to the economic impact of the proposed 50 per cent reduction in ADT is how the socioeconomic and environmental outcomes would be monitored. It is fair to say that there was a range of views on the committee on the outcomes that might result from the proposed reduction. However, the committee was unanimous in recommending that the socioeconomic and environmental outcomes in relation to ADT should be regularly evaluated and reported on to the Parliament every second year.

In evidence to the committee, the cabinet secretary indicated that the Scottish Government also thinks that it would be helpful to consider an evaluation of the outcomes that arise from a reduction in ADT. The committee recommended that the Government lodge amendments at stage 2 to place a duty on the Scottish ministers to that effect. I note that the Scottish Government does not intend to lodge such amendments, but I welcome the fact that the independent economic impact analysis will include consideration of the best way to design a robust monitoring and evaluation framework to assess the socioeconomic and environmental impacts of ADT.

Finally, on the absence from the bill of detail on the exemptions to ADT that the Scottish Government intends to apply, the Scottish Government has indicated that it intends to deal with the issue via secondary legislation. There was a range of views in the committee about the most appropriate legislative route through which to address the issue. The committee recommended—albeit by division—that the Scottish Government bring forward at stage 2 the detail of the exemptions that it intends to apply. I therefore welcome the cabinet secretary's commitment that the Scottish Government will lodge amendments at stage 2 that detail the exemptions to the definitions of “chargeable passenger” and “chargeable aircraft” that the Scottish Government intends to apply.

I understand that it will not be possible to bring forward an amendment that relates to passengers who fly from all Highlands and Islands airports, as such an approach would require to be notified to and assessed by the EU under state-aid rules.

I put on record the committee's appreciation of the constructive engagement that we have had with the cabinet secretary and his officials in supporting our scrutiny of the bill. I welcome the commitments that the cabinet secretary made in his opening speech and in his letter of 21 April in response to the committee's report.

The committee supports the general principles of the bill.

16:48

**Murdo Fraser (Mid Scotland and Fife) (Con):** I echo the Finance and Constitution Committee convener's thanks to everyone who gave evidence to the committee and to the committee clerks and the Scottish Parliament information centre for all their assistance in the preparation of the stage 1 report. As we heard, the deliberations of the committee were, with a few notable exceptions, largely consensual.

As the convener pointed out, the background to the bill is the devolution of air passenger duty to Scotland as part of the package of devolution that is being put through by the current UK Conservative Government in response to the Smith commission report. That allows the Scottish Parliament to decide to take a different route in relation to the taxation of air travel, should it choose to do so.

The bill that is before us will simply create a mechanism for the collection of a tax. Were it not to be implemented, no tax on air travel from airports in Scotland would be payable from next year. It therefore makes sense to legislate to put in place a framework for the continued collection of a duty from air passengers.

The bill largely reflects the existing framework that is in place at UK level for air passenger duty.

**Patrick Harvie:** On the face of it, I do not disagree with the basic description that Mr Fraser has given. However, can he recall any other situation in which a Government has proposed legislation to create a tax that that Government basically thinks ought not to exist?

**Murdo Fraser:** I appreciate that Mr Harvie will be unhappy this afternoon, as the proposals combine two things that he likes least in the world: aviation and tax cuts. It must be horrendous for poor Mr Harvie to have to consider them together in one bill this afternoon.

The Scottish Government has not had much experience of dealing with taxation and, frankly, nothing would surprise me about the Scottish Government's approach to taxation. However, we will learn more in due course.

Let me return to what I was saying before I was interrupted. The evidence that we heard from all interested parties, particularly the airline industry, which is responsible for the collection of the tax, is that they do not want a completely different framework established for Scotland; they want the mechanisms that are currently in place to be replicated as closely as possible. In taking evidence, the committee detected no appetite for creating a wholly new tax on a different basis from the existing air passenger duty.

Indeed, the only substantial difference seems to be that the tax has been given a different name. It is being called air departure tax rather than air passenger duty. Cynics might suggest that it is simply an exercise in changing the name for the sake of it rather than a reflection of any different approach having been taken in practical terms.

In general terms, the Scottish Conservatives are supportive of the bill and will be happy to vote for the general principles at decision time tonight. However, we raised one principal concern at stage

1, and it was raised by my colleague Adam Tomkins on a number of occasions when we took evidence, as is reflected in the stage 1 report.

**Neil Findlay:** Will Mr Fraser take an intervention?

**Murdo Fraser:** I am going to make some progress. I will give way later if I have time.

As Bruce Crawford pointed out, the bill does not stipulate the exemptions to the definitions of “chargeable passenger” and “chargeable aircraft”. In other words, it does not identify which category of passenger and aircraft will not be subject to the tax. As the report says, that is unusual in tax legislation, where the scope of taxation is provided for in primary enactments. That is different from the setting of rates and bands, which is normally left to secondary legislation. The equivalent legislation at the UK level is contained in the Finance Act 1994, where the exemptions from APD are set out, and that is reflective of the approach that is taken with other devolved taxes such as land and buildings transaction tax.

As we have heard, the committee agreed by a majority that the Scottish Government should lodge amendments at stage 2 to insert detailed provision for exemptions from the definition of “chargeable passenger” and “chargeable aircraft”. I am pleased that the Scottish Government has indicated that it accepts the point and will lodge stage 2 amendments on that issue.

Much of the evidence that the committee took addressed the Scottish Government’s policy intent to pursue a 50 per cent reduction in air departure tax in order to stimulate economic growth. That point is not covered in the bill, as the setting of rates and bands will be contained in subsequent legislation. It was clear from the evidence that the committee took that there is a lack of an appropriate evidence base for the economic benefits of cutting ADT. Edinburgh Airport Ltd commissioned an economist’s report, which showed economic advantage from the reduction of the tax, but it is fair to say that, beyond that, there is a lack of independent economic assessment.

All those who gave evidence, on whatever side of the argument, agreed that such independent assessment would be welcomed, and the committee’s recommendation was, therefore, that independent economic analysis of the proposed reduction of ADT should be published at the same time as, or ahead of, the Scottish Government’s proposal of its approach to ADT rates and bands. The Scottish Government has accepted that point. The committee had similar views in relation to the environmental impact of cutting ADT, which should be addressed by the Scottish Government, and it has accepted that point, too.

The Scottish Conservatives would support an overall 50 per cent reduction in ADT rates, but our preference would be for the reduction to be targeted at long-haul flights, where we believe the greater economic benefits would derive. The evidence shows that those who travel long haul tend to stay in Scotland longer and have more money to spend. The economic benefit to Scotland would, therefore, be greater if we encouraged the growth of long-haul flights. Moreover, in cutting ADT, there would be the opportunity to attract more long-haul operators to base themselves in Scotland, avoiding the need for passengers to make connecting flights from Scotland to hub airports such as Heathrow and Schiphol. That, in itself, might prove an environmental benefit.

The committee heard evidence that, although reducing ADT on domestic or short-haul flights might well have a negative environmental impact by encouraging more of a shift away from surface travel towards air, the same would not necessarily be true of a reduction in ADT on long-haul flights. In its evidence, Virgin Trains told the committee of its concern that cross-border rail journeys between Scotland and London, in particular, would become less competitive with air travel if domestic ADT were to be reduced, but the company was not opposed to a reduction in long-haul ADT; indeed, it believed that encouraging more visitors to the UK through such a move would be complementary to the expansion of rail travel within the UK.

**The Deputy Presiding Officer:** Come to a close, please.

**Murdo Fraser:** Therefore, I believe that, for economic and environmental reasons, a cut in long-haul ADT as opposed to a cut across the board would make sense, but we accept the need for a stronger evidence base, and we look forward to the Scottish Government bringing forward that evidence when it sets out its case for rates and bands in due course.

16:55

**Neil Bibby (West Scotland) (Lab):** Every party that is represented in the Parliament is a signatory to the Smith agreement. As all the previous speakers have said, a commitment was given as part of that agreement to devolve to this Parliament power over taxing the carriage of passengers from Scottish airports. That commitment, which was supported by all parties, should be honoured, and it is for that reason that Scottish Labour will vote to allow the Air Departure Tax (Scotland) Bill to progress beyond stage 1.

As has been said, the bill is an enabling bill that is supported in principle by the Finance and Constitution Committee. It is required if we as a

Parliament are to give the Scottish Government the authority to switch on a new air departure tax when air passenger duty is switched off in Scotland next year. For us, endorsing the bill at stage 1 means endorsing the principle that the Scottish Government should levy its own air departure tax, in line with the conclusions of the Smith commission. It does not in any way mean endorsing the Scottish Government's approach to what the rates and bands of ADT should be. Scottish Labour objects to the Scottish National Party's plans to cut air passenger duty in half and then phase out the tax entirely, and we will vote against cuts to ADT rates when the time comes.

We support the bill because we believe that there should be an air departure tax, but we oppose a tax cut for the aviation industry because it is the wrong priority at the wrong time. Across Scotland, our schools and local services are facing hundreds of millions of pounds of cuts. At a time when we should be protecting the services that people rely on and finding new ways to invest in our communities, it is absurd that a tax cut for the aviation industry should be the SNP Government's priority, and it is unacceptable that the Scottish Government cannot tell us what the impact of its proposals to cut the tax will be on the budget.

Since 2011, this Government has cut £1.5 billion from schools and local services, with £117 million of those cuts falling in Renfrewshire, which the finance secretary and I represent. Across Scotland, SNP cuts threaten schools, care services, road repairs and more. There are public sector workers who cannot afford to make ends meet and there are many local services that our councils cannot afford to sustain, yet the SNP tells us that it can afford to make a business-class flight cheaper.

It is estimated that the value of the tax break could be as high as £189 million. As James Kelly said, the key question for the finance secretary to answer is what will be cut to pay for it. The axe will have to fall somewhere. Will it fall on schools or on hospitals? Will it take the form of cuts to bus passes for the elderly? It is time for the SNP to be honest about its plans. Alternatively, are we just set to see £189 million of unspecified cuts over the next few years?

A 50 per cent cut in APD will not make Scotland any fairer. Analysis from the Office for National Statistics indicates that halving APD would save the top 20 per cent of earners £73 a year while saving the poorest an average of only £4.50 a year. Those on higher incomes fly more often, so they will benefit the most from any cut.

A 50 per cent cut in, or the complete phasing out of, ADT will not make Scotland any greener, either. The Scottish Government accepts that it could lead to a 3 per cent increase in aviation

emissions, which could have a severe negative effect on our climate. The leaders of every party that is represented here today signed up to the climate change agreement, which committed us to building a low-carbon transport system for Scotland. Incentivising air travel at the expense of cross-border rail will contribute nothing to the fight against climate change.

As has been said, the Finance and Constitution Committee has recommended that the Scottish Government publish an analysis of the likely increase in carbon emissions arising from the proposed tax break. The committee also recommended that amendments be lodged at stage 2 to place a duty on ministers to report every second year on the socioeconomic and environmental outcomes from the air departure tax. However, we should go further and ensure that stronger safeguards are written into the bill at stage 2.

The Scottish Government has not presented us with a convincing case that a tax cut will make Scottish aviation any more competitive. The Government decided on its policy before considering the facts and is only now commissioning research to back up its claims. However, we know now that changing the tax regime will not, in itself, boost connectivity or improve our infrastructure.

There was some discussion in the Finance and Constitution Committee about the Irish experience of abolishing APD, which is interesting. The growth in passenger numbers that is often attributed to the tax cut in Ireland actually coincided with growth in passenger numbers across Europe, including in Scotland, so it is not at all clear that the tax cut was a stimulus for growth. As Chris Day from Transform Scotland pointed out,

"It is noticeable that the upturn in flights at Dublin was in hand before Ireland abolished APD."—[*Official Report, Finance and Constitution Committee*, 22 February 2017; c 25.]

Here in Scotland, Edinburgh airport recorded an 11 per cent increase in passengers in 2016 despite the existing APD regime being in place. We regularly see motions from MSPs across the Parliament welcoming new routes and record passenger numbers at their local airports, celebrating the success of the Scottish airports but, at the same time, undermining the minister's case that an ADT cut is a necessity.

There is no evidence that the Scottish Government's chosen approach to air departure tax will make Scotland fairer, greener or more economically resilient. Next to no evidence has been produced in support of the Scottish Government's case. The Finance and Constitution

Committee says unequivocally in its stage 1 report:

“there was considerable consensus across all spectrums of opinion that the evidence base underpinning the proposed reduction required development ... the proposed reduction in ADT currently lacks an adequate evidence base.”

The Scottish Government says that it intends to listen and consult before it sets ADT rates and bands later this year, but we already know from the existing Scottish Government consultation that there is widespread opposition to the proposed tax cuts. If, following a consultation, Mr Mackay finds yet again that there is opposition to an ADT cut, will he abandon his plans for an airline tax giveaway? We would welcome an answer to that question.

**The Deputy Presiding Officer:** You must close now, Mr Bibby.

**Neil Bibby:** Will the finance secretary listen to the majority? It is not often that the SNP does that.

We will support the introduction of an air departure tax today, but we will not support the proposals to cut that tax, which the Scottish Government has been unable to justify for months.

**The Deputy Presiding Officer:** You must finish, Mr Bibby.

**Neil Bibby:** Let us use the Parliament's powers to create a fair, proportionate and stable air departure tax regime.

**The Deputy Presiding Officer:** We move on to the open debate. We have no time in hand, so I ask for some self-discipline from speakers, please.

17:03

**Maree Todd (Highlands and Islands) (SNP):** As of next year, the Scottish Parliament will set the rates for a new Scottish air departure tax. That presents the Government with an opportunity to design a tax around the needs of the Scottish economy and to boost international connectivity and help to generate sustainable growth. Our current level of air passenger duty, as the UK tax is known, makes it one of the highest taxes of its kind in the world, and by far the highest of its kind in Europe. Our Government stood on a manifesto commitment to reduce the tax, which will put Scottish airports on a more even footing with many other European airports that hope to secure the same airlines and routes as our local airports.

I welcome the Scottish Government's commitment to helping our airports to secure new international connections. I hope that we will be successful in securing new links with Europe, new long-haul routes and good connections to world

hubs. That will show that Scotland is open and ready to do business on an international stage.

Many submissions to the Finance and Constitution Committee claimed that an ADT reduction would lead to increases in routes, capacity and passengers. Several airlines, such as easyJet and Ryanair, have confirmed that, as they are already making commitments to increase their presence in Scotland if such a reduction is implemented. That offers the prospect of a significant boost to our economy that will help businesses, create jobs and boost tourism. All of that should be welcomed.

In my region, and particularly in the islands, air travel is not a luxury but a necessity for businesses and communities. It is often the simplest and most practical way for people to get to where they need to be. For many folk in the islands, air travel is essential for both their professional and private lives. Many people who fly to and from the islands and other parts of Scotland do so out of necessity rather than choice. It was said in evidence to the committee that one in four passengers who travel on routes from Glasgow, Edinburgh and Aberdeen to the Highlands and Islands are funded directly by a public service such as a council or the national health service, which funds patients and staff who need to travel. When I worked for the NHS, I regularly had to fly from Inverness simply to be able to do my job. Choosing to fly to attend an education session in London represented the difference between one day off work and three.

Loganair alone carries about 500,000 passengers a year on routes that are exclusively in Scotland, and all but one of those routes cross a body of water. On many routes, trains will not be a viable travel option, and all other alternatives to flying will often be significantly more time consuming and impractical. Even from an environmental perspective, particularly on those routes where trains are not an option—for example, between Edinburgh and Lerwick—to travel by car and ferry could generate more emissions than a direct air journey.

It is clearly important for the local economy that the current exemption under APD for flights departing from the Highlands and Islands is continued under the new tax. The exemption ensures that there is no added expense for that essential travel, so I am really pleased to see that the Scottish Government supports it in principle and hopes to implement it as long as it complies with state-aid law, as any exemption of that sort rightly should.

There is an obvious concern that a reduction in air departure tax will lead to an increase in aviation emissions due to the additional routes and flights operating in Scotland. I welcome the prospect of

additional investment and economic activity as a result of a reduction. However, as someone who is committed to addressing climate change, I would be concerned by any suggestion of a significant increase in emissions. I am comforted by the fact that the Committee on Climate Change has found that any increase in emissions as a result of the change is likely to be manageable.

The Government's consultation paper on ADT estimated that a 50 per cent reduction in the tax would lead to a maximum increase in aviation emissions of around 3 per cent, which would be an increase of only 0.1 per cent of total Scottish emissions.

**Patrick Harvie:** I do not dispute the figures, but all of us, including all industries, have a responsibility to make a serious contribution to reducing emissions. Is there any other industry that the member would like to give a free pass to?

**Maree Todd:** The short answer is no. I do not think that the policy is giving a free pass to the air industry. On the benefits, we have to look at the policy and at dealing with emissions in the round.

It is important to recognise that the increase would not be significant enough to affect the Government's intention to reduce overall transport emissions by a third between 2014 and 2030. I welcome that ambition and I am glad that a reduction in air departure tax would not affect that target.

The Government has given both the environmental impact of the policy and its financial implications thorough consideration thus far, and it has given assurances that it will continue to do so as the policy moves forward. As the tax is newly devolved, this will be the first time that the Parliament has been able to make changes to this area of taxation, and it is vital that we consider any potential changes from all relevant angles before they are implemented.

17:09

**Liam Kerr (North East Scotland) (Con):** When travelling down on Sunday I was wondering what I could say about the Air Departure Tax (Scotland) Bill at stage 1. I thought—as is often the problem when following Murdo Fraser—“What more is there to say?”

The bill will introduce an air departure tax at the same time as the current APD tax is switched off, and it simply creates a mechanism for the collection of a tax. Do the Scottish Conservatives support the general principles of the bill at stage 1? Yes. However, there is more to say about what the bill does not say.

Last May, the Scottish National Party manifesto said of air passenger duty:

“When the power to do so is devolved, we will reduce the overall burden of APD by 50 per cent, with the reduction beginning in April 2018 and delivered in full by the end of the next Parliament.”

The finance secretary is on record as believing that cutting air passenger duty will boost growth and, when announcing the policy, Derek Mackay said that the proposed 50 per cent cut is

“a fundamental component of our efforts to boost Scotland's economy through ... generating sustainable growth.”

The other week, I said in the debate on Scotland's economy that we need a road map—a plan—to revitalise the Scottish economy. It is always dangerous to assume anything in politics, but I and the rest of the Finance and Constitution Committee members were pretty hopeful that the Government, and the SNP when setting its manifesto, must have had sufficient evidence to make such a bold assertion about the policy's impact.

However, when the finance secretary appeared before the committee on 1 March and the convener asked whether the Government had

“undertaken any economic assessment of the impact of the 50 per cent reduction in the tax”,

the finance secretary's answer was instructive. He said:

“To the best of my knowledge, we have not commissioned any independent research of our own, but we have certainly looked at all the reports that have been ... provided, and we have also looked at the experience in Ireland.”—[*Official Report, Finance and Constitution Committee*, 1 March 2017; c 5.]

The committee received a letter dated 21 April in which the Scottish Government stated that it had

“commenced the commissioning of an independent economic analysis of the ... 50% reduction”

plans, which would

“report in the autumn”

when

“the Government sets out ... the tax bands.”

That is good, but it is not good enough. In its totality, the bill is a major piece of legislation. There could be a major change to the airline industry, airports, the economy, the environment and the macroeconomic UK picture. Derek Mackay is probably right that a properly targeted reduction in the tax will boost Scotland's economy. However, it is deeply troubling that the Scottish Government has to date done no assessment and commissioned no independent economic analysis of the plan's economic or environmental impact. It is also troubling that the Scottish Government has based its plans on the reports that have been provided to it while extrapolating principally from a

country whose situation is in many respects completely different from the Scottish situation.

**Andy Wightman (Lothian) (Green):** The member says that the Scottish Government has done no economic analysis of its plans. What economic analysis has he done of his own plans?

**Liam Kerr:** Andy Wightman makes my point for me. We asked the Government to bring forward its plans, given that it made a manifesto commitment. We have looked at the extensive evidence that was provided to the committee, but we are not putting forward a policy.

I will address something else. As Maree Todd pointed out, there is an air passenger duty exemption for passengers who fly from Highlands and Islands airports. Derek Mackay talked of the Scottish Government's strong support, as a principle, for retaining a like-for-like exemption and said that it wants to extend that. He has concluded that removing APD from air passenger transport in the Highlands and Islands is a good way to support the area economically.

David Horne from Virgin Trains warned the Finance and Constitution Committee of his concerns about modal shift should we start to do things with air passenger duty. The Scottish Government needs to be careful of modal shift in the central belt but, when the train is an unrealistic alternative or not the right means of transport for a local economy—such as in the north-east or the Highlands, as Maree Todd said—we ought to encourage flying, as people are trying to do in the Highlands and Islands.

The fact is that many of my constituents in the north-east have little option but to fly if they need to make journeys to London or the midlands. Aberdeen airport has suffered badly through the oil downturn, and passenger numbers are recovering only now following two years of month-on-month decline. When I asked in the Finance and Constitution Committee for an exemption to be considered for Aberdeen airport in the same way as for the Highlands, Mr Mackay told us that that would not happen and would not be considered. His view was that the best way to achieve the strategic objectives of boosting air connectivity and generating sustainable economic growth will be to apply ADT equally to all areas and airports and that a differentiated approach would be likely to increase complexity, administration requirements and compliance difficulties.

Those propositions clearly do not marry, and I find it deeply concerning that the Government will, for reasons of expediency and apparent ease, dismiss without investigation one proposition, while pursuing a differentiated policy that is fraught with complexity and EU red tape simply because

that is the way it has always been and the assumption is that that is the way it should stay.

As I said at the outset, the Scottish Conservatives back the bill, and there is a clear reason why: there is not really much of substance in it to oppose. What is much more interesting—of course, I use that as a euphemism for “concerning”—is what is not included, and that is what has been assumed or decided without independent investigation.

17:15

**Willie Coffey (Kilmarnock and Irvine Valley) (SNP):** I am pleased to speak in support of the Government's proposals to reduce and then eliminate air passenger duty, which is the tax that the UK Government imposes on people every time they fly. The UK imposes the highest air passenger tax anywhere in Europe—more than three times the rate that France applies and about double what Germany and Italy charge their citizens.

Since the tax was introduced in 1993 by the then Tory Government, the tax rate for long-haul trips in the lowest class of travel has increased by a spectacular 630 per cent. The tax raises approximately £3 billion a year. When Scotland reduces the tax, from as early as April next year, that will place us in a much more competitive position, and the rate for our version of the tax will be much lower than the rate in England and Wales.

**Patrick Harvie:** Will the member give way?

**James Kelly:** Will the member give way?

**Willie Coffey:** I ask the members to give me a wee minute to develop my point, if they do not mind.

England and Wales will remain the most expensive countries for band B economy flights, while Scotland will drop to ninth in that category. The boost that cutting the tax—initially by 50 per cent—could bring to Scotland is significant. It will help us to achieve a more level playing field with airports in other European countries, and the shift to Scotland of many flights will have a significant economic impact.

I am happy to take an intervention from James Kelly.

**James Kelly:** Willie Coffey outlines all the money that will be saved in tax, but £189 million a year will be taken from the Scottish Government budget. Which areas will be cut in order to find additional revenue?

**Willie Coffey:** I thank James Kelly for raising that point. Labour seems to forget, or completely

overlook, the economic impact that eliminating the tax will have.

I will speak about Prestwick airport in a moment. I hope that Labour and Mr Kelly support the investment in growth and jobs that that airport could bring to the Ayrshire economy. If they do not, that may explain to Mr Kelly why Labour has no MPs or MSPs in that county or in that part of Scotland.

EasyJet has said that it will increase capacity in Scotland to accommodate an extra 1.5 million passengers, and Ryanair has said that it will add a further 1 million passengers, on top of its 17 new routes, when the 50 per cent cut takes place.

The impact of abolishing air travel tax in Ireland has been significant, and not just for the city of Dublin. Since that tax was abolished in 2014, Dublin has experienced the highest rate of passenger growth in Europe, with year-on-year rises of approximately 15 per cent. As a direct response to the abolition of the travel tax in Ireland, Ryanair introduced 25 new routes and guaranteed an extra 1.2 million passengers each year. Dublin airport handles about 28 million passengers per year, which can be compared with Edinburgh airport at around 12 million and Glasgow airport at 9 million. Regional airports in Ireland have benefited, too, with an increase in the frequency of flights that serve Cork, Shannon and Donegal.

Dublin airport's managing director said that

"The growth in passenger numbers"

has had

"a significant impact on the Irish economy",

with higher visitor numbers and increased trade and investment coming in. According to Airlines UK, when the Netherlands abolished its aviation tax in 2010, it experienced an increase of 20 million in the number of passengers departing from Dutch airports.

The Edinburgh airport study suggested that, by 2020, the policy will have created nearly 4,000 new jobs and brought about £200 million extra to the Scottish economy. However, it is not just Edinburgh and Glasgow that will benefit from the cut in the tax. Prestwick in Ayrshire stands to benefit from the tax reduction, as the Irish regional airports have.

In 2014, I attended a meeting of the British-Irish Parliamentary Assembly at which Ryanair's Michael O'Leary said that, if Scotland abolished what he described as a "mindlessly stupid policy", he could double passenger numbers at Prestwick alone. Only a few weeks ago, Ryanair said that the scrapping of the tax will enable it to base more aircraft in Scotland, add more routes and create

thousands of additional jobs. That is a huge opportunity for Prestwick and the wider Scottish economy.

Prestwick contributes about £60 million a year to the Scottish economy and it is well placed—as members will know—to become the front runner in the selection of a site for the UK's first spaceport, because of its existing facilities infrastructure and the meteorological conditions. It would therefore be welcome if all parties in Ayrshire got behind Prestwick airport and distanced themselves from the comment of an Ayrshire Tory councillor that the airport should shut.

In its examination of the Government's proposals, 10 of our 11 members of the Finance and Constitution Committee supported the bill's general principles, while asking the Scottish Government to provide more analysis of the policy's economic and environmental impacts. I am pleased to note that the economic assessment that all members sought will be carried out and published no later than the autumn of this year, as the cabinet secretary said in his opening speech.

I expect that other colleagues will want to focus on emissions a bit more closely, but we heard that the policy could give rise to an increase of 3 per cent in greenhouse gas emissions. That would represent about 0.1 per cent of total Scottish emissions and was described as "manageable" by the UK Committee on Climate Change.

The economic opportunities that the policy brings to Scotland and to Prestwick airport in particular are immense. The Irish experience is that, for every additional million passengers achieved, they have managed to create an extra 1,000 jobs. That would be a fantastic boost for Scotland and for Prestwick and I am delighted to back the Scottish Government's proposals to reduce and then get rid of this travel tax.

17:21

**Neil Findlay (Lothian) (Lab):** There are many competing priorities for any Government. There are so many areas of our society that need the urgent attention of Government and this Parliament. The public services that civilise our society are under huge pressure, with many at breaking point. Whether it is the school system that educates our children, the care service that looks after our elderly and vulnerable citizens, or the police who keep our streets safe, they are all under pressure like never before.

Those areas should be the priority of this Government and this Parliament, but clearly they are not. The First Minister says that her priority is education and closing the education attainment gap, yet she is cutting the budgets of councils and colleges year on year on year. This Government

has overseen the loss of 130,000 college places and cuts to lecturing staff and has failed to implement national pay bargaining; we are going to see strike action. That has all been driven by more than £200 million in budget cuts to our colleges. Where is the bill or legislation to address those issues?

What about our local services? Since 2010, £1.8 billion has been cut from council budgets. That is a 16 per cent cut to our local communities, our social services, our schools and our environment. There has been no legislation—no bill—to address those issues.

**Maree Todd:** Will the member give way?

**Neil Findlay:** Certainly, if the member wants to explain that.

**Maree Todd:** Does the member welcome the commitments that have already been made by commercial airlines to bring more business to Scotland as a result of the policy?

**Neil Findlay:** If Maree Todd listens, I will move on to that point in a minute. However, my point is that all the issues that I have raised are down to the political choices that have been made—

**The Deputy Presiding Officer:** Excuse me, Mr Findlay—could you move on to address the motion that is under discussion, please?

**Neil Findlay:** I am just coming to that, Presiding Officer.

Those issues are all down to the political choices that have been made by this Government. I would have expected bills to address those issues, but what bills have been introduced? There has been a bill on independence—surprise, surprise. Then there is the bill on air passenger duty—yes, there is a plan to set up a system and bureaucracy to administer it, but behind that there is a plan to cut the duty and then to eradicate it completely. That is the plan.

Our public services are crying out for investment, cuts are crippling services and jobs are being lost by the tens of thousands. What is the action of this Government? Is it to take a progressive position, raising money from those who can afford it to pay for services to help those in need? Is it to address the crisis in those public services? No. It is to rip another £200 million to £300 million of scarce revenue from those services while handing a £73 a year tax cut—at the minimum—to the wealthiest people and a £4.50 a year tax cut to the least wealthy.

On which planet is that progressive or fair? I will give way to the finance secretary if he wants to tell us how the policy that he is promoting is progressive. There you go—he is glued to his

chair. The finance secretary cannot answer that, because he knows that the policy is not—

**Derek Mackay:** Will the member give way?

**Neil Findlay:** Oh—here is Merlin to tell us how it is progressive.

**Derek Mackay:** It says a lot that Mr Findlay has to invite me by making some sort of insult. Does Neil Findlay not care for the employees of, for example, Edinburgh airport, who are trying to make an economic success of it? It is part of our connectivity and economic success story, ensuring that we continue to grow our economy in a way that is good for everyone, not least those who happen to be employees of airports and airlines.

**Neil Findlay:** Mr Mackay defeated his own argument, because Edinburgh airport is hugely successful without the cut in APD. However, he did not champion the public services that are crying out for the investment that is going to disappear. There was no mention of that—he still has to tell us where the cuts will land.

On which planet is the 50,000 or 60,000—whatever it is—extra tonnes of greenhouse gases that will be pumped into the atmosphere consistent with the Government's stated environmental policies? Again, it appears that some magic trick will be done, in which we can have all those increased flights and yet there will be no impact on the environment. Thirteen per cent of greenhouse gases come from travel, and the Government's analysis shows that the effect of the cut in APD will be to increase air travel and the associated emissions by more than 50,000 tonnes.

The minister cannot explain how the policy is progressive, and he most certainly cannot explain how it is good for the environment. APD was introduced because the aviation industry was heavily undertaxed, not being subject to VAT, and yet this Government wants to give more tax giveaways to the industry. I am firmly of the belief that the Government is completely in the grip of the aviation sector.

There is no evidence that a cut in APD is beneficial to the economy—indeed, some people have suggested that there may be a loss of income from domestic tourism—and there is no evidence to support the cut. This is a Government that claims that it implements evidence-based policy—

**The Deputy Presiding Officer:** You must come to a close, Mr Findlay.

**Neil Findlay:** —and yet the finance secretary is throwing away £230 million on a wing and a prayer. Is it any surprise that Murdo Fraser and the Tories support the policy? On a day when they want to rip tax credits from rape victims—

**The Deputy Presiding Officer:** You must come to a close.

**Neil Findlay:** —they want to give a big tax cut to the aviation industry. Shame on you.

**The Deputy Presiding Officer:** I remind members that they should always speak through the chair and not to each other.

17:28

**Patrick Harvie (Glasgow) (Green):** I echo the thanks of Bruce Crawford to our committee colleagues, the clerking team and support staff, and the witnesses during our stage 1 inquiry.

I did not expect to like this bill. I imagine that the cabinet secretary did not really expect me to like it, either. A few things have surprised me during the process. One surprise was the additional delicious irony of debating the bill at stage 1 just before a debate on earth hour, in which everyone will pat themselves on the back about the lovely little symbolic gestures that we are making. Over the past month, I have even seen press releases from airline companies, saying how great they are because they switched off the lights in their corporate headquarters for an hour, for the planet. They are good, are they not? No—they are hypocrites, and so is anyone else who takes that stance.

I was also surprised, in a way, that the bill is so close to being one that I could support. The reason for that is the confusion at the heart of the Government's policy intention. Normally, when we see a Government bill, we see a policy memorandum that sets out the objective and purpose of the legislation. However, the only purposes that are given in the strategic objectives, in paragraph 8 and onwards in the policy memorandum, would be served by not passing the bill and by having no tax on aviation at all. If the strategic objectives that the Government has set are what it really cares about, it would not pass this bill—it would not even propose it.

This is a tax that is being legislated for by a Government that thinks that that tax ought not to exist. It is, therefore, understandable that we are looking at a bill that is bereft of meaning, intent and purpose. I think that there is good purpose in taxing aviation differently from other forms of economic activity, because it has disproportionate impacts on the environment and in terms of social inequality. We need to mitigate and manage those impacts in a way that is consistent with economic objectives, and tax is an important way of achieving that. A bill that was clear that that is the purpose of an aviation tax would be different from the one that we are looking at; perhaps it would not be radically different, but it would not give a free hand to ministers simply to say, "We'll come

back to you and let you know what the rates and bands are going to be and then you, as Parliament, will nod them through." We will not have the ability to amend those proposals when they come forward. We will either nod them through or we will be told that we are giving the aviation industry an even bigger free gift by way of not taxing it at all.

A bill that I could support would constrain ministers somewhat to at least consider the factors that are important. Let us look at the economic factors. The Government and its back benchers—including some who are in the chamber today—have said that there will clearly be a really positive economic boost for Scotland from this. Evidence? Evidence we have seen none.

I think that Liam Kerr recognised in his speech the fact that the cabinet secretary has acknowledged that, to the best of his knowledge, the Government has conducted no economic analysis of its own. He referred to some pre-existing reports, which are based on outdated information about the labour market, unreliable information from the Government about the fiscal impacts of the policy and reports that simply cannot be depended upon as evidence, some of which came into the public domain after the SNP had adopted its policy, not before. We should make policy on the basis of evidence, not scrounge around to see whether we can work up some evidence after we have adopted a policy. The economic impacts are entirely unclear, and the Government should be undertaking that analysis prior to adopting a tax policy.

The environmental impacts have been spoken about, and I think that Maree Todd was the first to talk about the limited nature of the increase—apparently there will be only a small increase in our aviation emissions as a result of the Government's policy. However, as far back as 2009, the UK Committee on Climate Change said not that we need to limit the increases but that we need to restrict aviation emissions and that, by 2050, they need to be reduced to 1990 levels. We need reductions in emissions, not modest increases. I note that representatives of the industry who gave evidence to the committee said not only that they could achieve that reduction back to 1990 levels but that they could achieve a 50 per cent reduction by 2050 relative to 2005 levels, which is an even more ambitious goal. I do not for a moment suggest that the industry is doing what is needed in order to achieve that, but, if it thinks that it can do that, we should lock it into that goal and we should say to the minister that he has to ensure that the tax rates are compatible with achieving that.

On social justice, the figures that the Scottish Greens have published today show that, of the

more than £89 million that would be saved by UK leisure passengers, £33 million would go to the richest 10 per cent of households; £60 million would go to the richest 30 per cent of households; and just £8 million would go to the poorest 10 per cent of households.

All those issues—economic, environmental, fiscal and social—should be hardwired into the bill. The Greens will lodge amendments to do that. If those amendments are agreed to, we could support the bill at stage 3; if they are not, we will oppose it. Tonight, we will abstain, on the basis that the bill is fixable, and we will make every effort to persuade the Government that it needs to be fixed.

**The Deputy Presiding Officer:** I give notice to closing speakers that I will have to shave some time off them. I call Mike Rumbles, to be followed by Kate Forbes.

17:34

**Mike Rumbles (North East Scotland) (LD):** On 7 October last year, the First Minister said that the Scottish Government is committed to acting on climate change and

“limiting global temperature increases to ... below 1.5 degrees”.

The SNP website—I have been reading it—says:

“We hope the example can embolden the international community”.

On her recent self-publicity tour of the United States, Nicola Sturgeon added:

“We are not complacent about climate change and there is still much to achieve.”

She has not been listening to her SNP MSPs during the debate.

Analysis by Transport Scotland has concluded that a cut in air passenger duty of 50 per cent, which is what the SNP intends to do, will lead to an increase in emissions of carbon dioxide of up to 60,000 tonnes a year. That figure has hardly been mentioned in this debate. Where are all our environmentalists? Are not we all meant to be environmentalists now?

What is the Government’s response to that analysis? The SNP reaction is to say that it can offset that huge increase in emissions by making other changes in the transport sector. Really? That may be the Government’s aim, but I would not put too much faith in the transport minister being able to deliver that offset. That is especially so after he said to the Environment, Climate Change and Land Reform Committee that he simply accepts Transport Scotland’s other prediction of an increase in car use in Scotland by 27 per cent within the next 13 years and failed to come up with

any real ideas on how to combat that. If you have an idea that you can mention to the transport minister, I am sure that he will be delighted to hear it—I would like to hear it, too.

**The Deputy Presiding Officer:** Through the chair, Mr Rumbles.

**Maree Todd:** In the interests of accuracy, I would like to challenge the words “huge increase”. It is only a 0.1 per cent increase in total emissions.

**Mike Rumbles:** There we have it. The SNP believes that an increase of 60,000 tonnes of carbon dioxide is minor. I am glad to see that the transport minister is back in his seat. I am afraid that, as with so many policy areas, any reading of the situation shows that the SNP Government has no interest in doing what is right, only in doing what is politically expedient to its cause.

Air travel is the highest emitter of carbon dioxide per passenger kilometre. It is the only sector where emissions have risen significantly during the past two decades, and the SNP wants to add to that increase by cutting tax on air travel. Rather than apologising for their ministerial colleagues, SNP members should be asking them how pumping an extra 60,000 tonnes of carbon into Scotland’s environment and losing at least £125 million of revenue each year will help the Scottish Government to build a sustainable legacy for our children.

Scotland’s aviation sector is in good health and flourishing, with passenger numbers growing by 5 million in the past five years. On a personal level, I am delighted with that—my son is an airline pilot in Scotland, so it is great news. I know a little bit about the aviation industry. There is no good reason to give aviation a free pass. We need everyone to meet their carbon reduction responsibilities and pay their fair share.

As MSPs, we get many approaches from lobbyists giving us their views, and this debate is no different. I was particularly taken by the response from the Church of Scotland, whose comments I read with great care:

“The Church of Scotland is disappointed by the proposals on three grounds.

1. We believe they are inconsistent with Scottish Government commitments to reduce Scotland’s greenhouse gas emissions.

2. They promote inequality: those on high incomes fly most and will benefit most; while those living in poverty fly least and will benefit least, if at all.

3. They put pressure on the UK government to follow suit”.

Not only are the proposals simply the wrong thing to do to tackle climate change, but they leave a hole of at least £125 million a year in the public finances—a hole that needs to be filled. The

Scottish Government will either have to raise those taxes another way—and where will that burden fall?—or it will have to reduce expenditure and cut budgets. If it does the latter, where will those budget cuts fall?

Those who say that the bill is simply an enabling bill—I have heard that, too—should look at part 3, where there is a whole section on tax rates without any mention of what those tax rates should be. Where is the policy memorandum? It does not exist. Section 10(3) simply says:

“Regulations under this section ... may modify this Act.”

In layman’s terms, if we pass the bill, Scottish ministers may change what they like in it. This is a terrible bill, which gives far too much power to ministers and not enough power to this Parliament. It deserves to be thrown out. I am with the Church of Scotland on this one. The Liberal Democrats will vote against the bill at decision time.

17:40

**Kate Forbes (Skye, Lochaber and Badenoch) (SNP):** I state that I am the parliamentary liaison officer to the Cabinet Secretary for Finance and the Constitution.

The Government’s motion asks Parliament to agree to the general principles of the Air Departure Tax (Scotland) Bill; the detail will come later. I generally support the devolution of air passenger duty and will set out why I believe that the Scottish Government should take advantage of that to bring the tax into line with international competitors, for the benefit of residents and small businesses in my constituency and across Scotland.

The Highlands and Islands have benefited enormously from air travel exemptions and would benefit even more from a Scotland-wide reduction. In the Highlands and Islands, the challenges of connectivity are exacerbated, yet our economy is dependent on movement: of goods and their import and export; of people and tourists; and of entrepreneurs scoping out and developing business opportunities. Air travel is a necessary part of free movement, which is why I have welcomed more flights into and out of Inverness and why I strongly support reopening the air strip in Skye for commercial flights. Better connectivity goes right to the heart of population retention, job creation and growth and resilience in the economy.

It stands to reason that, as a small island country of 5 million people, domestic and international travel and movement are critical. If we are ambitious for economic growth, which I am, we need new connections, more connections and

attractive connections between Scotland and destinations around the world. That is more challenging when air passenger duty in the UK is one of the highest taxes of its kind in the world and by far the highest in Europe.

The international opportunities for businesses and jobs in my constituency are clear. An example of that is found in the food and drink industry. There was a huge increase in the value of food and drink exports last year, as food exports alone grew by 22 per cent to £1.5 billion. Fish and seafood, much of it caught by fishermen on the west coast of the Highlands, recorded the largest overall increase—a whopping £156 million.

**Andy Wightman:** Does Kate Forbes accept that prawns and whisky will never pay air departure tax? Does she further agree that the simplest way of reaching the Government’s goal of eliminating the tax would be not to waste our time here by passing a bill and just to let it fall?

**Kate Forbes:** In the Highlands and Islands, we need the opportunity to create jobs in order to retain our young people and our families. We need the increase in income that will be generated by those jobs. Any growth in businesses and anything that allows entrepreneurs to take advantage of new opportunities will contribute directly to retaining our population, which is one of my priorities.

Scotland’s food and drink industry is not done yet. Sourcing much of its fine fare in the Highlands, it is Scotland’s fastest growing major sector, with ambitions to grow further. What is really important is that it is not just the big businesses that are benefiting but the small and medium-sized businesses. To capitalise on that, we need to internationalise more. In doubling food exports since 2007, we have seen a transformation in growing markets such as Asia. The chief executive of Scotland Food and Drink has said that the game changer for food and drink over those years

“has been developing a national brand for Scottish produce in export markets, with industry and government working hand in hand to invest in overseas trade experts and activity ... this success story has much further to go.”

We know that smaller towns in rural Scotland are the most entrepreneurial in Scotland. In places such as Ullapool and Newtonmore, which topped the list, 17 per cent of the population are self-employed. Many of those small businesses are based on tourism or food and drink, which depend on travel and movement. Both sectors are doing well. Overseas visitor expenditure rose 23 per cent between 2005 and 2014.

How do those entrepreneurs and small businesses grow and develop? They do so by building relationships, ideally face to face, with

partners, investors and customers. I appreciate that the Scottish Government is doing more to facilitate that. This month, the First Minister opened Scotland house in London as a platform for making connections and growing businesses. There is a wealth of opportunities in London, in Europe and beyond for Scottish business. That is the connection between Mallaig, Carbost, the Black Isle and overseas.

However, it does not matter how many opportunities are out there if we do not have good travel links, and that is why reducing air departure tax will make an enormous difference for travel to and from all Scottish airports and have a direct and positive impact on families in the Highlands.

17:46

**Rachael Hamilton (South Scotland) (Con):** It has taken almost a year, but finally we have before us a bill at stage 1 to debate in Parliament. Finally, the powers that be have decided that focusing on issues other than a re-run of the same debate about Brexit is worthy of parliamentary time.

This is a debate about air departure tax and, as the chamber has heard, the Scottish Conservatives are supportive of the bill at this stage. The air departure tax will replace the current UK air passenger duty and will come into effect in 2018, if the bill is passed.

The Scottish Conservatives welcome Derek Mackay's commitment to making amendments at stage 2 that will make detailed provision for exemptions from the definitions of "chargeable passenger" and "chargeable aircraft". Exemptions are not present in the bill—the bill does not even say which category of aircraft will not be subject to the tax. Also, as the Finance and Constitution Committee has highlighted, evidence on social, financial and environmental impacts is needed before MSPs are asked to set the bands and rates.

The approach that was taken to the introduction of the bill, which took almost a year, was described as "odd" by Transform Scotland, because, without the full facts on the nature of tax and the bands that will apply under the bill, it is difficult to scrutinise.

The Scottish Conservatives want to see a more ambitious approach to our skies. Murdo Fraser has announced our proposal to remove the air travel tax on flights that are longer than 2,000 miles. That will incentivise airlines to provide new direct links from Scotland to America, China and other global destinations so that families and businesses do not have to travel via London's packed airports. That is good for Scotland. It will promote Scotland as a visitor destination and as a

business destination. Making Scotland easy to access makes it an easier place in which to do business and get out and see our sights.

That is all is part of our plan to get Scotland connected to the global economy. To put it into perspective, on the UK's competitiveness in the current situation, "The Travel & Tourism Competitiveness Report 2015" by the World Economic Forum lists the UK as 137th out of 140 countries in terms of ticket tax and airport charge competitiveness. It is possible for Parliament to open Scotland's doors wide, reap the awards and see millions more passengers come to Scotland.

The Scottish Conservatives will support the bill at stage 1. However, at stage 2 we hope to see amendments that make detailed provision for exemptions from the definitions of "chargeable passenger" and "chargeable aircraft". We want to see the removal of the air travel tax on flights that are longer than 2,000 miles and an immediate freeze on APD for short-haul flights to the UK and Europe.

What I and, I am sure, members of other parties want to see is a bill come to this Parliament that can be fully scrutinised, with the full information available to do that. It has taken almost a year for the first bill to come before us and, despite that amount of time, we still do not have something that can be scrutinised appropriately. To quote Transform Scotland, that is slightly "odd".

17:49

**Ivan McKee (Glasgow Provan) (SNP):** The transfer of air passenger taxes to the Scottish Parliament, as part of the latest round of devolution, gives Scotland the opportunity to design and implement a tax system that will support our specific economic development needs.

The UK-wide air passenger duty will cease to apply in Scotland from next April, so the bill is necessary simply to put in place a replacement tax. The bill, as presented, will provide only the structure for that tax; the Government will propose the details of bands and rates later this year, and they will be subject to parliamentary approval. However, the Government has stated its policy objective to reduce the burden of ADT by 50 per cent. Therefore, although rates and bands are not detailed in the bill, the Finance and Constitution Committee took evidence on the shape and structure of the proposed 50 per cent reduction and the consequent economic and environmental impacts.

Scotland is an international, outward-looking nation, and our links to our European neighbours and countries further afield are critical to us. That is especially so in the context of the UK

Government's headlong rush towards a hard Brexit, which threatens those links. Scotland's place in the world depends on our international connectivity. Direct international flights are a key part of that connectivity, and steps to increase that connectivity should be encouraged to boost business, including inbound tourism, further develop cultural links, and encourage free movement. It is therefore important that the policy focuses on the primary objective of enhancing economic growth. I am glad to see that the Government recognises that imperative. As the committee's report states:

"The Scottish Government will design and structure ADT in a way that boosts Scotland's air connectivity and economic competitiveness, encouraging the establishment of new routes which will enhance business connectivity and tourism."

The committee has highlighted the need for robust economic data that will address the economic impact of any rates and bands that the Government will propose. That is critical to understanding the most effective way to use the tax lever to drive economic growth.

**Patrick Harvie:** If Ivan McKee is right that analysis of the economic data is the effective way to decide how to use the devolved tax, why does he think that the Government has decided its policy of making a 50 per cent cut and then scrapping the tax so long before that data is available to it?

**Ivan McKee:** There is nothing unusual about having a policy. Did the Greens do a full economic analysis of their additional rate tax proposal? I believe that they proposed a 60 per cent rate. In any analysis, that would reduce the tax take. Did the Greens have an economic analysis of that?

There is an intent to reduce the ADT by 50 per cent. As the committee said, robust economic analysis is essential to understanding the shape of the reduction and how that would look. The ultimate objective must be to recover, from increased air activity and from economic growth, more tax than is lost through the cut.

We need to recognise, of course, that any data can be only an estimated projection of what the economic outturn will be. Indeed, anyone who has watched the committee's investigations into the results of changes to LBTT will understand the challenges in assessing the economic impact of policy changes that have already taken place, never mind those that have not yet been implemented. Like the assessment of our old friend the counterfactual, unpicking policy impacts from wider economic trends is not always easy. Nevertheless, a thorough economic assessment in advance of changes to ADT policy, together with on-going assessments of impacts, is required to give substance to the policy. I therefore welcome

the cabinet secretary's commitment to return to Parliament with evidence on the economic and environmental impacts of the approach to ADT prior to making specific proposals on rates and bands. The committee also recommended that

"the economic and environmental outcomes arising from ADT"

should be evaluated and reported on to Parliament every second year.

The most effective use of reductions in air departure tax as a mechanism to drive economic growth will come through understanding that a one-size-fits-all policy is too blunt an instrument to maximise that objective. Although the committee heard that simplicity of implementation and operation of the tax is a factor in the design of a future ADT system, it is important not to lose sight of the primary objective and to deliver a reduction in the tax that recognises that reductions for some types of flights might deliver significantly more economic benefits than others—in other words, there should be a differential approach.

The committee heard about lifeline flights to communities in the Highlands and Islands where alternative transport solutions are limited. The need to support those communities is well understood, and measures to ensure that those flights are free of ADT should be a priority. However, flights from the central belt to London and other large English cities compete with rail routes with frequent and fast services, and there is an argument that ADT reductions in that context would do little to support the primary objective of maximising economic growth. Measures that encourage direct flights to European cities and beyond, on the other hand, can deliver significant benefits to our economy, particularly if they are targeted at locations where the scope for business and inbound tourism is greatest.

The UK has one of the highest rates of air passenger taxes in the world. That may make sense to maximise revenue from London airports, where demand outstrips supply, but in this area of UK Government policy, as in many others, what works for London and the south-east is not always the best policy for Scotland, and we need to derive a policy for ADT that makes the most sense in the Scottish economic context.

I look forward to receiving the Government's economic analysis of its proposed rates and bands. I look forward to crunching the numbers and working through them in committee with the cabinet secretary and his officials, and I look forward to Scotland implementing an ADT policy that supports economic development and international links.

**The Presiding Officer (Ken Macintosh):** We move to closing speeches. I call James Kelly to wind up for the Labour Party.

17:55

**James Kelly (Glasgow) (Lab):** I start by reiterating the comments of other colleagues thanking the Finance and Constitution Committee clerks and SPICe for their excellent work in backing up the narrative that was produced in the stage 1 report.

The Labour Party's position in this debate is that we support the general principles of the bill, as Neil Bibby outlined in his opening speech. The air departure tax is a logical conclusion of the Smith commission's recommendation to devolve APD. We support the tax because it gives an additional lever to raise money from those who can afford air travel, to contribute towards the Scottish budget. We also support it from the point of view of seeking to reduce carbon emissions, so there is a logic in having the tax in place.

However, the Scottish Government's reason for introducing the bill is to reduce the tax by 50 per cent and ultimately to abolish it. It has to be said that the evidence for supporting the policy that has been proposed in the bill by the cabinet secretary, Derek Mackay, is wholly inadequate. The policy memorandum clearly sets the objective to reduce the effect of ADT by 50 per cent by the end of this session of Parliament. As the financial memorandum states, by 2021-22, that would have the effect of reducing revenue to the Scottish Government by £189 million. We have not seen any analysis of how that money, which would be lost from the Scottish budget, would be replaced. Willie Coffey spoke about the economic benefits of the policy, but we have not seen anything from the Government to back that up.

When the Smith commission recommended the devolution of the tax, it also said that environmental impact studies should set out when it was going to be used, but that has not been done. As Patrick Harvie pointed out, the submissions that have provided some analysis, mainly from the airport operators, are not up to date, because they were all done before Brexit and take no cognisance of the impact of Brexit.

Derek Mackay has outlined his intention to complete stage 3 before the summer recess, and he has made it clear that any analysis would be done later than that, when the secondary legislation kicks in, so we will be asked to agree the bill before the summer and to agree the basis of the policy memorandum without any proper analysis or submission from the Government. That leaves us in a position in which, as Neil Findlay correctly pointed out, we must question the

fairness of the policy. As the ONS outlined, the top 20 per cent of earners will be £73 better off, whereas the bottom 20 per cent of earners will be only £4.50 better off. That is not a progressive policy, and is wholly unfair.

We should look at other impacts on people who travel in Scotland. For example, a student who turns 19 no longer has access to the young Scot rail card and must pay full fare for their season ticket and incur substantial travel costs. Maree Todd said that air travel is a necessity for people in the Highlands and Islands, but for an apprentice who stays in Cambuslang and has to travel to their place of employment, where they earn less than the national living wage, travel is also essential if they are to complete their apprenticeship successfully. If the person must travel by bus from Cambuslang to East Kilbride, they will incur substantial costs which will bite heavily into their wages. We need to ask how such people will be served by the current priorities.

We also need to consider how the proposed approach lines up with the policy of seeking to reduce carbon emissions, as other members said. I have heard minister after minister, not just in this chamber but at receptions and media events, declare proudly that the Scottish Parliament passed world-leading climate change legislation. That is absolutely correct, but the logic of the air departure tax policy is that air travel will increase, which will increase carbon emissions. It seems to me that a reduction in air departure tax is not consistent with the Scottish Government's policy approach.

**Kate Forbes:** Will the member take an intervention?

**James Kelly:** I am sorry. I am running out of time.

The Government's policy approach is incoherent and it has submitted inadequate evidence to back up its policy. It is time for the Government to think again; it must bring forward more substantive evidence before we get to stage 3.

18:01

**Dean Lockhart (Mid Scotland and Fife) (Con):** This is a welcome, if somewhat rare, opportunity to discuss a bill in the Parliament.

We have heard a range of views on how the Parliament can use its powers in respect of air passenger duty, or air departure tax, as it will be known. Although each party has different views on the future of ADT, the debate has centred around three main issues: concern about the lack of detail in the bill, with questions asked about when and how we will get that detail; the objectives of the proposals and what the Government is trying to

achieve; and the next steps that will be required to take the bill forward, in particular the level of parliamentary scrutiny of any secondary legislation.

Liam Kerr, James Kelly and others highlighted the lack of detail in the bill at stage 1 in a number of important areas. The bill fails to set out the basis of liability for the proposed new tax, which is a fundamental issue in any tax legislation. It also fails to identify which category of passengers or aircraft will be exempt from the tax. There are no details of the tax bands and rates that will apply, and there has been no independent assessment of the economic, financial and environmental impact. As Rachael Hamilton said, that lack of detail led the Delegated Powers and Law Reform Committee to express

“disappointment that the legislation has been introduced in the absence of full development of the Scottish Government’s policy”.

Given all that, we urge the finance secretary to undertake a full analysis of not just the policy’s economic and environmental impacts but how it will work in practice, thereby avoiding a repeat of what happened with the disastrous introduction of land and buildings transaction tax, the methodology for which was described today, in a study that the Government itself commissioned, as “ill-suited”.

On the objectives of the bill, we support the overall direction of the policy to reduce air departure tax. However, if we are to proceed with a reduction, our preferred approach would be a targeted reduction for long-haul flights, with the aim of increasing Scotland’s global connectivity with major economic hubs in the United States, China, India and south-east Asia.

Our approach differs from the less targeted proposals of Mr Mackay, who is advocating a blanket 50 per cent cut to ADT, including for short-haul flights. The Finance and Constitution Committee heard evidence that cutting ADT for short-haul flights would not necessarily deliver economic benefits. According to the Scottish Association for Public Transport, cutting ADT for short-haul flights would merely lead to growth in domestic flights at the expense of rail travel.

Given all that, we welcome the Government’s agreement to undertake a full and independent economic, financial and environmental analysis of its plans, and we urge that analysis to look at the following issues. It should look at the benefits of cutting ADT on long-haul flights compared to the benefits of cutting it on short-haul flights. It should also look at how the policy can increase tourism from around the world. Scotland welcomes fewer than 50,000 tourists a year from China, compared to the more than 1 million Chinese tourists who visit London alone. The average long-haul tourist

spend in Scotland is over £650 per visit, which is significantly higher than the level of air departure tax per passenger that would be forgone. Therefore, an increase in tourism would be a welcome boost to the economy, but the analysis must show a link between reducing ADT and increasing tourism. As Kate Forbes highlighted, we need to look at how we can capitalise on having more direct long-haul flights to increase our exports to the rest of the world, which have increased by 75 per cent over the past 10 years. Finally, we need to look at how we can minimise the environmental impact of the proposals.

Other parties have expressed their outright opposition to any cuts to ADT. Labour’s view, as summarised by Neil Bibby and others, is that it is a tax on those who can afford to fly, and that cuts would come at the expense of public spending. However, that is looking at the wrong end of the equation. We are suggesting that, if it is targeted properly, a reduction in ADT will boost Scotland’s global connectivity and, if implemented properly, should result in a boost to the economy, more people being encouraged to do business in and with Scotland, more visitors to Scotland and more investment in Scotland.

**Neil Bibby:** The SNP’s proposed airline tax break will cost £189 million. If the member supports the SNP’s proposal, will he tell us where the cuts will fall? The SNP has not told us where those cuts of £189 million are going to fall. What would the Tories cut to fund the policy?

**Dean Lockhart:** Last year alone, tourism was worth almost £2 billion to the Scottish economy. If we were to increase tourism by 5 or 10 per cent, that would result in a much-needed boost to the Scottish economy.

**Patrick Harvie:** Will the member give way on that point?

**Dean Lockhart:** No, I need to make progress.

We are not looking at cutting spending; we are looking at growing the economy and growing the Scottish Government’s budget in years to come.

We have heard from others about legitimate concerns surrounding the environmental impact of any reduction in ADT. We agree that, to address those concerns, a strict environmental impact analysis will be required. We look forward to debating that when it is published by the Government.

I will conclude by highlighting to Mr Mackay the next steps that are required to take the legislation forward. The Government must produce supporting evidence of the economic, social, financial and environmental impacts of the proposal. We need that evidence to be made available before we debate the tax rates and

bands or ADT in the future. We also suggest that, before any reduction in ADT is made final, the Government should work to reach agreement with the airlines that they will commit to expanding their routes in response to any cut in ADT, as has happened in other countries. Finally, we need an assurance from Mr Mackay that he will listen to the Parliament, the Finance and Constitution Committee and the independent analysis before implementing the proposals, thereby avoiding a repeat of the disastrous implementation of land and buildings transaction tax.

**The Presiding Officer:** I call Derek Mackay to wind up the debate.

18:08

**Derek Mackay:** How long have I got, Presiding Officer?

**Members:** Two minutes. [*Laughter.*]

**The Presiding Officer:** You have until 20 past 6.

**Derek Mackay:** Thank you, Presiding Officer. I heard the Opposition's demand for more time to continue the debate for enthusiasts who are listening at home.

It has been a consensual debate. I really mean that. Many suggestions that I will reflect on have been made from around the chamber. I hope that the Finance and Constitution Committee's response shows that I have engaged with the committee, listened to cross-party points of view and responded positively to a number of recommendations in good time for the stage 1 debate. I do not want to lose any of the consensus that exists in support of the bill.

Nevertheless, it was interesting to hear Dean Lockhart lecture me about air departure tax and APD, because the Conservatives are converts to the principle of a reduction in that tax. But, hey—I will not be churlish about that. I welcome the Conservatives' change of position.

I turn to things that I thought that I would never hear other members say. It does not necessarily surprise me that Mike Rumbles remains opposed to the bill, although I will reflect on the fact that a request for an extension of tax cuts for airlines has been made by his islands colleagues, who want to extend the air discount scheme—of which I have experience, as a former Minister for Transport and Islands—to businesses and others. Indeed, as transport minister, I increased that scheme, so I understand the request.

I welcome the Labour Party's position, but I will not take it as read that support for the general principles of the bill represents support for our policy proposition on tax rates and bands, or other

matters. I agree with James Kelly and Neil Bibby—those are not words that I say often—that the bill is enabling legislation that provides a framework to allow the tax to be collected when the UK Government switches off air passenger duty in April next year.

**Neil Bibby:** One of the key questions that the cabinet secretary has been asked by all the Labour members who have taken part in the debate is where the £189 million of cuts that will be needed to fund the cut in ADT—in the event that he gets his tax break through—will be made.

**Derek Mackay:** The Government has set out its policy intention to introduce a tax reduction to stimulate economic growth, to improve connectivity, to support tourism, to sustain the routes that we already have and to secure new routes to Scotland, which can be achieved by Scotland being on a level playing field and having advantage in some areas. I will, of course, work with other parties as the bill works its way through Parliament: I must engage with other parties in order to find compromise to ensure that the proposition on tax rates and bands is approved by Parliament.

**Patrick Harvie:** Will the cabinet secretary give way on that point?

**Derek Mackay:** I want to make some progress, because I have a number of important points to make. It would be wrong to say that the bill will transfer power to ministers because, ultimately, Parliament will have to approve the tax rates, bands and exemptions that will apply in Scotland. That is why I have reflected on a number of points and will lodge amendments to the bill at stage 2 to address them: I refer to points that have been made on, for example, monitoring and evaluation to assess the impacts of the policy, on exemptions and on independent economic analysis.

The Government is not alone in believing that a tax reduction would stimulate economic growth—the Scottish Chambers of Commerce and the Confederation of British Industry Scotland share that belief. The point to make is that the bill is about the principles and the framework to enable the tax to be collected. Other matters—not least, exemptions—will be determined in committee through use of affirmative procedure. I know how important the exemption is for the Highlands and Islands, which is why I am working with the UK Government to ensure that we have continuity of like-for-like exemption for the area, and that that exemption is compliant.

I think that the fact that the Government is embarking on independent economic analysis should be welcomed. It is true that we are taking forward our policy aspirations on the basis of evidence that we have seen from elsewhere, but a

valid point was made about there being a degree of cynicism about some evidence, given who paid for it. The point of our independent analysis is that we arrive at an evidence-based decision by taking a methodical approach and looking at modelling. Having commissioned that analysis, we know that we will be in a good place to make the right decisions on ADT in Scotland, in keeping with our policy intention, as we approach the switch-off of APD next April.

I have listened to what the other political parties have said about their positions. The bill is about successful transfer of a power; it is about devolution and delivering on the deal that was achieved. That is why I think that the Liberals would be wrong to oppose the bill, at this stage. We must embark on the decision making in a timely fashion in order to deliver efficiency, certainty and clarity on the tax rates and exemptions in the future.

Patrick Harvie surprised me most, when he said that he believes that the bill could be made better and that it is “fixable”, given the Greens’ opposition to the policy intent. The Greens would like the tax to be collected in Scotland, which is one of the reasons why I think that the principles are worthy of support. There will be further engagement on the tax rates and bands.

**Patrick Harvie:** I have set out some principles that I think should be behind the bill in order to ensure that ministers give due consideration to social, economic, fiscal and environmental factors in setting their tax policy. Is there any reason why the cabinet secretary would be anxious or uncomfortable about having to give due consideration to those factors before he comes back to Parliament on the bill? What would be the objection to amendments that would put principle into the bill?

**Derek Mackay:** I have been able to outline to the Finance and Constitution Committee a positive response to a number of suggestions that were made by the committee, one of which was about on-going analysis and monitoring of the impacts of our policy. Of course we will take a close look at the impacts of the decisions that we make as a Government and as a Parliament. We have been balancing issues of affordability, economic growth and environmental impact, and we will also be informed by further environmental analysis, including the strategic environmental assessment that will inform decisions about air departure tax.

We must look at the issue in a balanced fashion and continue to engage with the other political parties, recognising that the tax represents a transfer of power that we want to be successful. We also want to use the tax in a way that will stimulate the economy and support connectivity—in particular, in the light of the economic

challenges that are coming from the Brexit situation. We want to use the tax in a way that will support the economy, while we also address the environmental concerns that have legitimately been raised, and look at the wider transport envelope. A number of members focused on environmental concerns. The Government is, of course, delivering on its environmental targets, and we will set out further actions through our climate change efforts. The Scottish Government’s record on delivering ambitious climate change targets is strong.

**Mike Rumbles:** Will the cabinet secretary give way on that point?

**Derek Mackay:** I am almost ready to conclude, but I thank Mike Rumbles for his offer to intervene further to oppose the bill, which seems to have consensual support from across the chamber.

There will be further engagement by the Government at stages 2 and 3 on how to take the bill forward. I listened closely to what the Conservatives and others had to say around sharing further evidence and analysis in good time to inform decisions about rates and bands, and to address exemptions in the way that I outlined.

A number of members said that the bill is the first that Parliament has considered in this session, but that is not the case. It might be a surprise to some members, but we approved the Budget (Scotland) Bill, which went through its various stages to become law as the Budget (Scotland) Act 2017, and which is delivering hundreds of millions of pounds of extra investment in the public services of Scotland.

Following this consensual debate, I look forward to engaging with all members to progress the Air Departure Tax (Scotland) Bill to ensure that we deliver the tax competently, clearly and in keeping with Adam Smith’s principles. We want also to ensure that the tax follows the success of the previously devolved land and buildings transaction tax and landfill tax, and that it supports the economy and delivers on the policy objectives that have been outlined.

I invite Parliament to approve the general principles of the Air Departure Tax (Scotland) Bill.

## Air Departure Tax (Scotland) Bill: Financial Resolution

18:19

**The Presiding Officer (Ken Macintosh):** The next item of business is consideration of motion S5M-04995, in the name of Derek Mackay, on the financial resolution for the Air Departure Tax (Scotland) Bill.

**Patrick Harvie (Glasgow) (Green):** On a point of order, Presiding Officer. I apologise for giving you only very late notice of my intention to raise this point of order about the financial resolution.

Rule 9.12.3 of standing orders requires that a financial resolution be passed in respect of certain bills before the bill can progress past stage 1. I do not think that we are in breach of that rule in any way, but I ask the Presiding Officer to reflect on it. The rule states that a financial resolution is required

“Where a Bill contains provisions ... which charge expenditure on the Scottish Consolidated Fund, or ... the likely effect of which would be to ... increase significantly expenditure charged on that Fund ... give rise to significant expenditure payable out of that Fund for a new purpose; or ... for an existing purpose”.

However, we are debating today a bill whose principal financial impacts will be through taxation revenue, not increased charges on the consolidated fund. The existing rule is, indeed, triggered in respect of the bill, but the financial memorandum that the Government has provided addresses only additional expenditure aspects, and the Government is not required to produce a financial memorandum that goes into the taxation revenue impacts of the financial impacts of the bill. Will you consider whether that rule in our standing orders is still adequate, now that we are in the era in which we legislate on bills such as the Air Departure Tax (Scotland) Bill, whose principal financial impacts are on tax revenue?

**The Presiding Officer:** I thank Patrick Harvie for giving me some—albeit that it was very little—advance notice of the point of order. In this particular case, there were other considerations about the bill that I had to take into account, which triggered the need for a financial resolution. In this case, we will be able to go ahead this evening.

However, Mr Harvie raises a very interesting point about the wording of the relevant standing order, which I will take under consideration.

**Patrick Harvie:** Thank you.

**The Presiding Officer:** Having said that, I ask the Cabinet Secretary for Finance and the Constitution to move motion S5M-04995, on the

financial resolution for the Air Departure Tax (Scotland) Bill.

*Motion moved,*

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Air Departure Tax (Scotland) Bill, agrees to—

(a) any expenditure of a kind referred to in Rule 9.12.3(b) of the Parliament’s Standing Orders arising in consequence of the Act, and

(b) any charge or payment in relation to which Rule 9.12.4 of the Standing Orders applies arising in consequence of the Act.—[*Derek Mackay*]

## Criminal Finances Bill

18:20

**The Presiding Officer (Ken Macintosh):** The next item of business is consideration of legislative consent motion S5M-05286, in the name of Michael Matheson, on the Criminal Finances Bill.

*Motion moved,*

That the Parliament agrees that provisions of the Criminal Finances Bill, introduced in the House of Commons on 13 October 2016, relating to Unexplained Wealth Orders, the seizure and forfeiture of cash in the form of betting receipts, discharged confiscation orders, the Civil Jurisdiction and Judgments Act 1982 and powers to make consequential provision, so far as these matters fall within the legislative competence of the Scottish Parliament or alter the executive competence of the Scottish Ministers, should be considered by the UK Parliament.—[*Michael Matheson*]

## Decision Time

18:20

**The Presiding Officer (Ken Macintosh):** There are seven questions to be put as a result of today's business. I remind members that, if the amendment in the name of Ruth Davidson is agreed to, the other amendments will fall.

The first question is, that amendment S5M-05282.4, in the name of Ruth Davidson, which seeks to amend motion S5M-05282, in the name of Nicola Sturgeon, on child tax credit cuts, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

### For

Balfour, Jeremy (Lothian) (Con)  
 Bowman, Bill (North East Scotland) (Con)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Peter (North East Scotland) (Con)  
 Corry, Maurice (West Scotland) (Con)  
 Davidson, Ruth (Edinburgh Central) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Golden, Maurice (West Scotland) (Con)  
 Greene, Jamie (West Scotland) (Con)  
 Hamilton, Rachael (South Scotland) (Con)  
 Harris, Alison (Central Scotland) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)  
 Lindhurst, Gordon (Lothian) (Con)  
 Lockhart, Dean (Mid Scotland and Fife) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Thomson, Ross (North East Scotland) (Con)  
 Tomkins, Adam (Glasgow) (Con)  
 Wells, Annie (Glasgow) (Con)  
 Whittle, Brian (South Scotland) (Con)

### Against

Adam, George (Paisley) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beamish, Claudia (South Scotland) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)

Denham, Ash (Edinburgh Eastern) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dugdale, Kezia (Lothian) (Lab)  
 Evans, Mairi (Angus North and Mearns) (SNP)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Fee, Mary (West Scotland) (Lab)  
 Findlay, Neil (Lothian) (Lab)  
 Finnie, John (Highlands and Islands) (Green)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Gray, Iain (East Lothian) (Lab)  
 Greer, Ross (West Scotland) (Green)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Glasgow) (Lab)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lamont, Johann (Glasgow) (Lab)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 Lyle, Richard (Uddingston and Bellshill) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McDonald, Mark (Aberdeen Donside) (SNP)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Rumbles, Mike (North East Scotland) (LD)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Sarwar, Anas (Glasgow) (Lab)  
 Scott, Tavish (Shetland Islands) (LD)  
 Smith, Elaine (Central Scotland) (Lab)  
 Smyth, Colin (South Scotland) (Lab)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, David (Highlands and Islands) (Lab)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)

Todd, Maree (Highlands and Islands) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wightman, Andy (Lothian) (Green)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

**The Presiding Officer:** The result of the division is: For 31, Against 91, Abstentions 0.

*Amendment disagreed to.*

**The Presiding Officer:** The next question is, that amendment S5M-05282.1, in the name of Kezia Dugdale, which seeks to amend the motion in the name of the First Minister, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

**For**

Adam, George (Paisley) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beamish, Claudia (South Scotland) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Denham, Ash (Edinburgh Eastern) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dugdale, Kezia (Lothian) (Lab)  
 Evans, Mairi (Angus North and Mearns) (SNP)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Fee, Mary (West Scotland) (Lab)  
 Findlay, Neil (Lothian) (Lab)  
 Finnie, John (Highlands and Islands) (Green)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Gray, Iain (East Lothian) (Lab)  
 Greer, Ross (West Scotland) (Green)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Glasgow) (Lab)  
 Kidd, Bill (Glasgow Anniesland) (SNP)

Lamont, Johann (Glasgow) (Lab)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 Lyle, Richard (Uddingston and Bellshill) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McDonald, Mark (Aberdeen Donside) (SNP)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Rumbles, Mike (North East Scotland) (LD)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Sarwar, Anas (Glasgow) (Lab)  
 Scott, Tavish (Shetland Islands) (LD)  
 Smith, Elaine (Central Scotland) (Lab)  
 Smyth, Colin (South Scotland) (Lab)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, David (Highlands and Islands) (Lab)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Todd, Maree (Highlands and Islands) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wightman, Andy (Lothian) (Green)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

#### Against

Balfour, Jeremy (Lothian) (Con)  
 Bowman, Bill (North East Scotland) (Con)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Peter (North East Scotland) (Con)  
 Corry, Maurice (West Scotland) (Con)  
 Davidson, Ruth (Edinburgh Central) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Golden, Maurice (West Scotland) (Con)  
 Greene, Jamie (West Scotland) (Con)  
 Hamilton, Rachael (South Scotland) (Con)  
 Harris, Alison (Central Scotland) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)  
 Lindhurst, Gordon (Lothian) (Con)  
 Lockhart, Dean (Mid Scotland and Fife) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Mountain, Edward (Highlands and Islands) (Con)

Mundell, Oliver (Dumfriesshire) (Con)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Thomson, Ross (North East Scotland) (Con)  
 Tomkins, Adam (Glasgow) (Con)  
 Wells, Annie (Glasgow) (Con)  
 Whittle, Brian (South Scotland) (Con)

**The Presiding Officer:** The result of the division is: For 91, Against 31, Abstentions 0.

*Amendment agreed to.*

**The Presiding Officer:** The next question is, that amendment S5M-05282.2, in the name of Alison Johnstone, which seeks to amend the motion in the name of the First Minister, as amended, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

#### For

Adam, George (Paisley) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beamish, Claudia (South Scotland) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinrossshire) (SNP)  
 Denham, Ash (Edinburgh Eastern) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dugdale, Kezia (Lothian) (Lab)  
 Evans, Mairi (Angus North and Mearns) (SNP)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Fee, Mary (West Scotland) (Lab)  
 Findlay, Neil (Lothian) (Lab)  
 Finnie, John (Highlands and Islands) (Green)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Gray, Iain (East Lothian) (Lab)  
 Greer, Ross (West Scotland) (Green)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Johnstone, Alison (Lothian) (Green)

Kelly, James (Glasgow) (Lab)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lamont, Johann (Glasgow) (Lab)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 Lyle, Richard (Uddingston and Bellshill) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McDonald, Mark (Aberdeen Donside) (SNP)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Rumbles, Mike (North East Scotland) (LD)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Sarwar, Anas (Glasgow) (Lab)  
 Scott, Tavish (Shetland Islands) (LD)  
 Smith, Elaine (Central Scotland) (Lab)  
 Smyth, Colin (South Scotland) (Lab)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, David (Highlands and Islands) (Lab)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Todd, Maree (Highlands and Islands) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wightman, Andy (Lothian) (Green)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

#### Against

Balfour, Jeremy (Lothian) (Con)  
 Bowman, Bill (North East Scotland) (Con)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Peter (North East Scotland) (Con)  
 Corry, Maurice (West Scotland) (Con)  
 Davidson, Ruth (Edinburgh Central) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Golden, Maurice (West Scotland) (Con)  
 Greene, Jamie (West Scotland) (Con)  
 Hamilton, Rachael (South Scotland) (Con)  
 Harris, Alison (Central Scotland) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)  
 Lindhurst, Gordon (Lothian) (Con)  
 Lockhart, Dean (Mid Scotland and Fife) (Con)

Mitchell, Margaret (Central Scotland) (Con)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Thomson, Ross (North East Scotland) (Con)  
 Tomkins, Adam (Glasgow) (Con)  
 Wells, Annie (Glasgow) (Con)  
 Whittle, Brian (South Scotland) (Con)

**The Presiding Officer:** The result of the division is: For 91, Against 31, Abstentions 0.

*Amendment agreed to.*

**The Presiding Officer:** The next question is, that motion S5M-05282, in the name of Nicola Sturgeon, on child tax credit cuts, as amended, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

#### For

Adam, George (Paisley) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beamish, Claudia (South Scotland) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinrossshire) (SNP)  
 Denham, Ash (Edinburgh Eastern) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dugdale, Kezia (Lothian) (Lab)  
 Evans, Mairi (Angus North and Mearns) (SNP)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Fee, Mary (West Scotland) (Lab)  
 Findlay, Neil (Lothian) (Lab)  
 Finnie, John (Highlands and Islands) (Green)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Gray, Iain (East Lothian) (Lab)  
 Greer, Ross (West Scotland) (Green)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Johnstone, Alison (Lothian) (Green)

Kelly, James (Glasgow) (Lab)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lamont, Johann (Glasgow) (Lab)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 Lyle, Richard (Uddingston and Bellshill) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McDonald, Mark (Aberdeen Donside) (SNP)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Rumbles, Mike (North East Scotland) (LD)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Sarwar, Anas (Glasgow) (Lab)  
 Scott, Tavish (Shetland Islands) (LD)  
 Smith, Elaine (Central Scotland) (Lab)  
 Smyth, Colin (South Scotland) (Lab)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, David (Highlands and Islands) (Lab)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Todd, Maree (Highlands and Islands) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wightman, Andy (Lothian) (Green)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

#### Against

Balfour, Jeremy (Lothian) (Con)  
 Bowman, Bill (North East Scotland) (Con)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Peter (North East Scotland) (Con)  
 Corry, Maurice (West Scotland) (Con)  
 Davidson, Ruth (Edinburgh Central) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Golden, Maurice (West Scotland) (Con)  
 Greene, Jamie (West Scotland) (Con)  
 Hamilton, Rachael (South Scotland) (Con)  
 Harris, Alison (Central Scotland) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)  
 Lindhurst, Gordon (Lothian) (Con)  
 Lockhart, Dean (Mid Scotland and Fife) (Con)

Mitchell, Margaret (Central Scotland) (Con)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Thomson, Ross (North East Scotland) (Con)  
 Tomkins, Adam (Glasgow) (Con)  
 Wells, Annie (Glasgow) (Con)  
 Whittle, Brian (South Scotland) (Con)

**The Presiding Officer:** The result of the division is: For 91, Against 31, Abstentions 0.

#### *Motion, as amended, agreed to,*

That the Parliament is fundamentally opposed to the UK Government's imposition of the two-child limit on child tax credits and universal credit, which will push families into poverty; notes that the Institute of Fiscal Studies states that, across the UK, these cuts will lead to around 600,000 three-child families being £2,500-a-year worse off, and 300,000 families with four or more children being £7,000-a-year worse off, with on average two thirds of the families affected having at least one adult in paid work; utterly condemns the disgraceful and repugnant "rape clause", which will force victims of rape seeking to claim child tax credits to prove to the UK Government that their third child was born as a result of non-consensual sex; believes this policy to be unfair, unequal, morally unacceptable and deeply harmful to women and their children and a fundamental violation of women's human rights; further condemns any government that forces women to relive a horrific event in their lives to access social security for a third child; notes the many organisations that have called for a reverse of the two-child cap, including the Joseph Rowntree Foundation, which states that these changes will result in an additional 200,000 children in the UK being pushed into poverty; supports those third sector and healthcare organisations that will not be third party assessors on behalf of the Department for Work and Pensions; agrees with Rape Crisis Scotland, Engender and Scottish Women's Aid's view that these changes are ethically unjustifiable; believes that women's rights and equality are integral to developing a social security system in Scotland that is just and fair; condemns the two-child cap as yet another welfare cut that the UK Government knows will hit women hardest; condemns the pressure being put on them to carry out a procedure for which many will not be trained, and calls on the UK Government to urgently change its position and remove the two-child cap and therefore scrap the "rape clause".

**The Presiding Officer:** The next question is, that motion S5M-05283, in the name of Derek Mackay, on the Air Departure Tax (Scotland) Bill at stage 1, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

#### For

Adam, George (Paisley) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Beamish, Claudia (South Scotland) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)

Bibby, Neil (West Scotland) (Lab)  
 Bowman, Bill (North East Scotland) (Con)  
 Briggs, Miles (Lothian) (Con)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Peter (North East Scotland) (Con)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Corry, Maurice (West Scotland) (Con)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Davidson, Ruth (Edinburgh Central) (Con)  
 Denham, Ash (Edinburgh Eastern) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dugdale, Kezia (Lothian) (Lab)  
 Evans, Mairi (Angus North and Mearns) (SNP)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Fee, Mary (West Scotland) (Lab)  
 Findlay, Neil (Lothian) (Lab)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Golden, Maurice (West Scotland) (Con)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Gray, Iain (East Lothian) (Lab)  
 Greene, Jamie (West Scotland) (Con)  
 Hamilton, Rachael (South Scotland) (Con)  
 Harper, Emma (South Scotland) (SNP)  
 Harris, Alison (Central Scotland) (Con)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Kelly, James (Glasgow) (Lab)  
 Kerr, Liam (North East Scotland) (Con)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lamont, Johann (Glasgow) (Lab)  
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lindhurst, Gordon (Lothian) (Con)  
 Lochhead, Richard (Moray) (SNP)  
 Lockhart, Dean (Mid Scotland and Fife) (Con)  
 Lyle, Richard (Uddingston and Bellshill) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McDonald, Mark (Aberdeen Donside) (SNP)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse)

(SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Sarwar, Anas (Glasgow) (Lab)  
 Scott, John (Ayr) (Con)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Elaine (Central Scotland) (Lab)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Smyth, Colin (South Scotland) (Lab)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Stewart, David (Highlands and Islands) (Lab)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Thomson, Ross (North East Scotland) (Con)  
 Todd, Maree (Highlands and Islands) (SNP)  
 Tomkins, Adam (Glasgow) (Con)  
 Torrance, David (Kirkcaldy) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wells, Annie (Glasgow) (Con)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Whittle, Brian (South Scotland) (Con)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

#### Against

Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 McArthur, Liam (Orkney Islands) (LD)  
 Rumbles, Mike (North East Scotland) (LD)  
 Scott, Tavish (Shetland Islands) (LD)

#### Abstentions

Finnie, John (Highlands and Islands) (Green)  
 Greer, Ross (West Scotland) (Green)  
 Harvie, Patrick (Glasgow) (Green)  
 Johnstone, Alison (Lothian) (Green)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Wightman, Andy (Lothian) (Green)

**The Presiding Officer:** The result of the division is: For 112, Against 4, Abstentions 6.

#### *Motion agreed to,*

That the Parliament agrees to the general principles of the Air Departure Tax (Scotland) Bill.

**The Presiding Officer:** The next question is, that motion S5M-04995, in the name of Derek Mackay, on the financial resolution on the Air Departure Tax (Scotland) Bill, be agreed to. Are we agreed?

#### **Members: No.**

**The Presiding Officer:** There will be a division.

#### **For**

Adam, George (Paisley) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)

Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Beamish, Claudia (South Scotland) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Bowman, Bill (North East Scotland) (Con)  
 Briggs, Miles (Lothian) (Con)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Peter (North East Scotland) (Con)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Corry, Maurice (West Scotland) (Con)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Davidson, Ruth (Edinburgh Central) (Con)  
 Denham, Ash (Edinburgh Eastern) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dugdale, Kezia (Lothian) (Lab)  
 Evans, Mairi (Angus North and Mearns) (SNP)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Fee, Mary (West Scotland) (Lab)  
 Findlay, Neil (Lothian) (Lab)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Golden, Maurice (West Scotland) (Con)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Gray, Iain (East Lothian) (Lab)  
 Greene, Jamie (West Scotland) (Con)  
 Hamilton, Rachael (South Scotland) (Con)  
 Harper, Emma (South Scotland) (SNP)  
 Harris, Alison (Central Scotland) (Con)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Kelly, James (Glasgow) (Lab)  
 Kerr, Liam (North East Scotland) (Con)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lamont, Johann (Glasgow) (Lab)  
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lindhurst, Gordon (Lothian) (Con)  
 Lochhead, Richard (Moray) (SNP)  
 Lockhart, Dean (Mid Scotland and Fife) (Con)  
 Lyle, Richard (Uddingston and Bellshill) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)

Matheson, Michael (Falkirk West) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McDonald, Mark (Aberdeen Donside) (SNP)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Sarwar, Anas (Glasgow) (Lab)  
 Scott, John (Ayr) (Con)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Elaine (Central Scotland) (Lab)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Smyth, Colin (South Scotland) (Lab)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Stewart, David (Highlands and Islands) (Lab)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Thomson, Ross (North East Scotland) (Con)  
 Todd, Maree (Highlands and Islands) (SNP)  
 Tomkins, Adam (Glasgow) (Con)  
 Torrance, David (Kirkcaldy) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wells, Annie (Glasgow) (Con)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Whittle, Brian (South Scotland) (Con)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

#### Against

Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 McArthur, Liam (Orkney Islands) (LD)  
 Rumbles, Mike (North East Scotland) (LD)  
 Scott, Tavish (Shetland Islands) (LD)

#### Abstentions

Finnie, John (Highlands and Islands) (Green)  
 Greer, Ross (West Scotland) (Green)  
 Harvie, Patrick (Glasgow) (Green)  
 Johnstone, Alison (Lothian) (Green)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Wightman, Andy (Lothian) (Green)

**The Presiding Officer:** The result of the division is: For 111, Against 4, Abstentions 6.

#### *Motion agreed to,*

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Air Departure Tax (Scotland) Bill, agrees to—

(a) any expenditure of a kind referred to in Rule 9.12.3(b) of the Parliament's Standing Orders arising in consequence of the Act, and

(b) any charge or payment in relation to which Rule 9.12.4 of the Standing Orders applies arising in consequence of the Act.

**The Presiding Officer:** The final question is, that motion S5M-05286, in the name of Michael Matheson, on the Criminal Finances Bill, be agreed to.

*Motion agreed to,*

That the Parliament agrees that provisions of the Criminal Finances Bill, introduced in the House of Commons on 13 October 2016, relating to Unexplained Wealth Orders, the seizure and forfeiture of cash in the form of betting receipts, discharged confiscation orders, the Civil Jurisdiction and Judgments Act 1982 and powers to make consequential provision, so far as these matters fall within the legislative competence of the Scottish Parliament or alter the executive competence of the Scottish Ministers, should be considered by the UK Parliament.

## Earth Hour 2017

**The Deputy Presiding Officer (Christine Grahame):** The next item of business is a members' business debate on motion S5M-04248, in the name of Maurice Golden, on WWF earth hour 2017. The debate will be concluded without any question being put.

*Motion debated,*

That the Parliament welcomes the World Wide Fund for Nature's (WWF) Earth Hour 2017, which will start at 8.30 pm on 25 March; recognises that Earth Hour is a global effort and that Scotland and the rest of the UK will join more than 175 countries taking part; further welcomes the continued cross-party support for tackling climate change; notes that all of the country's local authorities will participate, including those in the West Scotland region; welcomes the action that is being planned nationwide by people and groups across a diverse range of communities, faiths and organisations; notes the view that everyone should take part to help raise awareness of climate change and the need to tackle it and the hope that as many landmarks as possible join in by switching off their lights for the hour, and wishes everyone participating in it every success.

18:28

**Maurice Golden (West Scotland) (Con):** At 8.30 pm on 25 March, thousands of Scots joined millions around the world to mark earth hour. From all walks of life, people came together to highlight something that affects every man, woman and child on this planet: climate change.

The concept of earth hour was started by my good friend Andy Ridley in Sydney in 2007. We worked on a world first—well, it was actually a world second—with a circle scan measuring material flows in Glasgow. I could go on, but the debate is about earth hour. The first ever earth hour resulted in a 10 per cent reduction in demand on the electricity grid, thereby saving 25,000 tonnes of carbon dioxide. Earth hour has now grown into a global event.

It is no exaggeration to say that climate change is one of the biggest challenges of our age. It affects everyone, everywhere and every facet of our lives. It is fitting, therefore, that so many have come together to recognise that. In Scotland, the figures speak for themselves: every local authority, more than 1,000 schools, hundreds of businesses and organisations, more than two dozen public bodies and almost two thirds of MSPs took part in earth hour to raise awareness of climate change.

The global nature of the threat that we face was evident, as more than 3,000 landmarks around the world such as Big Ben, the Eiffel tower and the Sydney opera house dimmed their lights in support. In Scotland, we showed that we are part of that common struggle, with more than 160 landmarks joining in, including the Kelpies, the

Forth bridge and Clydebank's Titan crane in the west of Scotland. My Twitter post that evening had me smiling and beaming into my mobile phone camera, looking like an extra from "The Shining".

Recognising local involvement is important, because this is a fight in which we all have a part to play. I am proud that four local authorities in the west have been recognised by WWF for their exceptional support. East Renfrewshire, East Dunbartonshire, North Ayrshire and West Dunbartonshire all received WWF's "Super local authority" badge, and I congratulate each one of them.

Most important, however, was the fact that almost 1,200 schools throughout Scotland, including many across the west of Scotland, took part in earth hour, showing enormous creativity in highlighting the serious issue of climate change. It is Scotland's children who will live with climate change and who will soon take up the torch in tackling it. Their involvement is testament to the level of awareness and concern that exists among young people in relation to climate change.

The strength of feeling was evident earlier this year when a Williamwood high school pupil in East Renfrewshire—a young lady named Rumaisa Zubairi—won a YoungScot-WWF poetry contest. Her poem lamented a world that might be, in which climate change has ravaged our environment. It is a stark call to action for all of us, and it serves as a reminder that we are working to ensure that our children inherit a better world than we did.

We have made progress, and there is much to be proud of in Scotland in combating climate change. Since 1990, we have reduced emissions by almost 50 per cent, met our emissions target for the first time and seen generation from renewables meet more than half of Scotland's electricity needs. Last week, Britain as a whole went a day without coal power for the first time since the beginning of the industrial revolution.

Perhaps the most important statistic is that the Climate Change (Scotland) Act 2009 was passed unanimously, underlining the fact that climate change cuts across party lines and has the wide support that is vital to enable us to take on a challenge of this magnitude. That is also evident in today's debate, and I welcome the opportunity to hear from members all round the chamber. However, we must not allow the progress that we have made so far to cloud our judgment regarding the task ahead of us. Tackling climate change is about more than cutting energy use or reducing emissions—it is about developing a sustainable future.

The "Draft Climate Change Plan: The draft third report on policies and proposals 2017-2032" sets

out some bold objectives for Scotland, and that is to be welcomed. However, we must also recognise that simply setting targets does not get the job done. There needs to be a clear path to each target that allows for monitoring, analysis and, ultimately, completion.

We must increase our recycling rate; we must reduce transport emissions, which have not budged for around 30 years; we need to heat our homes more efficiently; we must engage better with farmers and landowners to create sustainable land management; and our economy needs to be more circular through maximising our nation's resources. Scotland needs those ideas because the old ways are not working any more. Our success rests on no one person, political party or campaign group, but rather on the co-operation and hard work of each of us.

Earth hour reminds us that our world is as fragile as it is incredible. In her poem, Rumaisa Zubairi says:

"Our world is evolving, changing.  
And we are changing it."

For the sake of our children, let us make sure that we are changing it for the better.

18:35

**Graeme Dey (Angus South) (SNP):** As the member who led the Parliament's last earth hour debate in 2015, I congratulate Maurice Golden on opting to make his members' business debate on this subject. He joins a select band of MSPs. Much to my surprise, I discovered today that he, I and Shirley-Anne Somerville are the only members to have highlighted this hugely significant and symbolic event through a members' business debate—and earth hour is a hugely significant, symbolic event.

The 11th annual earth hour took place on 25 March—11 years of people, businesses and landmarks around the world turning off their lights at 8.30 pm to focus minds on climate change. This year, as we have heard, an unprecedented 187 countries and territories took part, more than 3,000 landmarks switched off their lights, and millions of individuals, businesses and organisations across seven continents took part.

Yes, this is a symbolic gesture that needs to be backed up by firm action, but whether through the act of turning off their lights or by walking past homes, businesses or landmarks without their usual glow, it makes people stop and think, and if considering the issue leads to behavioural change—individually and collectively—earth hour has achieved its purpose.

Buildings in my constituency that participated this year included the iconic Arbroath abbey and a

multitude of schools. I am of course delighted that we here in Scotland are making good progress on our climate change targets and that the Scottish Government is committed to raising the bar still further through the climate plan and the forthcoming climate change bill, because far-reaching action is required across the planet to safeguard it for future generations.

Our generation was slow to react. We are playing catch-up. We need to ensure that the next generation is fully alive to the challenge that the planet faces. That is why the participation of young people in earth hour is so important. I recognise of course that pupils—and staff, for that matter—will not have been in schools on a Saturday night. However, there will have been lessons educating pupils about why their schools were participating. There will have been important classes about the potential impacts of climate change, encompassing the message that they can do a little, change a lot.

Members who have heard me speak before about tackling climate change know that I am a firm believer—as others are—that behavioural change is a key component. As we are aware, participating in earth hour is a voluntary act—it is about people taking action because they believe that we as a society have to do so.

WWF, the campaign group behind earth hour, has on its website a number of what it sees as earth hour heroes. I want to tell the story of one such hero—Ahmed from the Maldives. As members may know, the Maldives is a nation that is made up of a number of low-lying islands. It is majorly threatened by climate change. In his day job, Ahmed crunches numbers at a broadcasting company. He first found out about earth hour in 2009 and quickly worked out that it could become an ideal platform to revive a much-needed national debate on the climate.

Ahmed secured partnerships with the Government, with organisations and with the Scout Association of the Maldives and, over the years, he has engaged schools on every island in the Maldives. Who can forget the sight from 2009, when the Government of the Maldives held a cabinet meeting underwater to highlight to the world the threat that climate change poses to their country? The Cabinet Secretary for Environment, Climate Change and Land Reform will no doubt be relieved that I am not calling for our cabinet to spend half an hour on the sea bed communicating with whiteboards and hand signals in order to conduct Government business, entertaining though that might be. However, that action by President Nasheed's Government highlighted the whole climate change issue in a memorable way.

Here's to 8.30 pm on 24 March 2018—next year's earth hour—by when we should have a

much clearer picture of how the nations of this planet are going to live up to the commitments that they made in Paris to tackling climate change. Of the 195 signatories to the agreement, only 143 countries have indicated thus far what they will be doing up to 2030, so as well as celebrating the symbolism of earth hour, let us be clear that progress needs to be made on the actions planned across the globe to tackle climate change.

18:39

**Finlay Carson (Galloway and West Dumfries)**

**(Con):** I congratulate my colleague Maurice Golden on securing this debate on earth hour 2017. Climate change is one of the greatest challenges that we face. It threatens us in so many forms—heavier rain, hotter weather and rising sea levels are the real effects of climate change that we have all noticed over the years. There are threats to our environment and to wildlife. Hotter summers with more droughts will undoubtedly have an impact on our natural environment and, potentially, on agriculture.

We all have a duty to the next generation to leave Scotland in a better state than we found it in. Earth hour is a fantastic initiative by WWF to raise awareness of climate change and provide an opportunity for us to think about ways in which we can address climate change. The point is that we can all do our bit: this year's earth hour on 25 March saw thousands of schools, landmarks, public buildings and homes across Scotland turn their lights off for an hour.

We all have a responsibility to do our bit, whether that is recycling our household waste, turning lights off when we are not in the room or thinking about whether we really need to print that email or briefing—small things that not only are good for the environment, but save a few pennies in the process.

I was very privileged to spend earth hour at Murray's monument. I am sure that the Presiding Officer is very familiar with the area. I drove from Minnigaff up into the centre of Europe's first dark sky park and the biggest forest park in the United Kingdom. I am sure that the cabinet secretary will agree that it is a fine example of what could be Scotland's third national park.

I am proud that my local authority, Dumfries and Galloway, was awarded a super local authority badge for its level of participation in the 2017 WWF earth hour. I take the opportunity to give a special mention to some of the schools in my constituency that took part: Shawhead, Closeburn, Dalbeattie, Wigtown and Drummole primary schools, and Stranraer academy. It is absolutely fantastic to see that our young people are engaging with such important initiatives.

It is incumbent on all of us as parliamentarians to ensure that we set ambitious programmes towards reaching a low-carbon Scotland, which will be so vital to our children's future. The Scottish Parliament recently scrutinised the Scottish Government's draft climate change plan. A range of weaknesses in the current draft have been highlighted by all four of the committees that were involved. WWF said of the plan:

"Although the plan presents an often strong description of a low carbon economy in 2030, there is a consistent absence of sufficient specific policies, in almost every sector, to ensure we achieve our climate targets through to 2032."

It is simply not enough to paint a strong narrative without having the specific policies to ensure that we achieve our climate targets. It is incumbent on the cabinet secretary to fully consider the recommendations that have been made and to come back to Parliament later this year with a robust and ambitious plan that has the policies to back up the rhetoric.

I am delighted to have had the opportunity to participate in this debate on earth hour and the importance of recognising and tackling the many real concerns that climate change presents. It is all too easy for us to forget or shrug off our responsibility to protect the planet for the next generation. We cannot let that happen.

18:42

**Claudia Beamish (South Scotland) (Lab):** In the words of WWF Scotland,

"Earth Hour 2017 provided a moment for all of us to think about what more we can do to address climate change."

Earth hour is such a simple yet profoundly brilliant idea. It is unlikely that people will spend that hour alone; it is much more likely that they will involve those with whom they are spending that weekend or evening, or—just as likely—they will invite people to join them and make a party with a purpose out of it.

In my case, it was a candle-lit climate change chat with my partner Michael, my daughter Freya, my son-in-law Tanenchai, who is Thai, and my two-year-old grandson Maca. An hour can feel like a long time in a really good way. Part of the power of it was the sense that people were doing similar things across the world. It felt hopeful and inspiring. I want to thank WWF for the organisation that the initiative takes, year after year, to be, in its words,

"a symbol of care for our brilliant planet".

I also want to thank Maurice Golden for this debate about a "common struggle", as he put it. Concerns about climate change push us all together, whatever party we belong to—indeed,

even if we belong to none. The debate gives us an opportunity to share thoughts on the way forward and to share some special projects. I want to share three with members, all from the past week, and to ask how we as politicians can help even more.

On Saturday I was honoured to cut the ribbon to open a yurt for Peebles community action network. The yurt will be a shelter for those helping in the community garden. One mum who was there told me of her daughter's enthusiasm that morning, saying, "Olive's face lit up as we entered the community garden. She is normally shy of new things, but not here. There was non-stop drumming for 20 minutes, and from that we have decided to go every month and make use of the vegetable beds and help out wherever we can."

This year, Peebles CAN was lucky enough to get money from the climate challenge fund for its grow, cook, build and own project, which empowers local people and families to build a sustainable Peebles. The climate challenge fund is a large amount of money—some £9.97 million. Recognising that value, let us all fight for even more next time, so that such projects can be the norm across Scotland—I see the minister smiling at that. Let us also ensure that the Scottish Government behaviour change commitments in the draft climate change plan are acted on robustly.

On Saturday, I went to see a one-woman play at the Biggar Corn Exchange, which was performed by Edie Goodwin. It was called, "What the Frack?" Edie says:

"As a young person I see fracking as a hugely important issue—one that could have an immeasurably detrimental impact on health, democracy, life as a whole on this land that we share. So at the start of December when I found out that the Public Consultation was going to take place I decided that my contribution to the debate would be through theatre. I decided that I was going to write a play."

That indeed she did, and Edie's creation shows how individual fortitude and creativity can make a difference. She believed that she had to do something to tell the story of fracking so far and to talk about the dangers as she sees them, in order to counteract the power of big corporations. As politicians, we must listen to people as much as we listen to big money here and globally.

Tomorrow, South Lanarkshire and East Kilbride trades union council is taking a motion, as amended by the Public and Commercial Services Union, to the Scottish Trades Union Congress. The motion reads:

"Congress ... believes that a transition to a low carbon economy must be a just transition. This includes looking to support those communities and nations across the world that will be most immediately at risk. It also means ensuring that workers and communities in Scotland need to be

assured that jobs will be created in low carbon industries as part of this transition.”

In the spirit of earth hour, let us be sure that that happens.

18:47

**Mark Ruskell (Mid Scotland and Fife) (Green):** I thank Maurice Golden for bringing the debate to the chamber this evening, after a somewhat challenging afternoon in the Parliament for the environment. I would like to congratulate WWF and welcome the efforts of all those who participated in earth hour this year. To have all 32 councils, 130 landmarks, 25 public bodies, 48 community events, hundreds of businesses and 1,000 schools in Scotland involved in earth hour is a major achievement. With 172 countries and 7,000 cities participating worldwide, earth hour is now a long way from the inaugural big flick event in Sydney in 2007.

However, it is important to recognise what earth hour is and what it is not, because the event has had its critics over the years, including from the wider green movement. Clearly, it is not a way to reduce the nation’s energy consumption by a huge amount, with most participating nations reducing demand by around 4 per cent during the hour itself. However, to focus on that is really to miss the point, because what earth hour delivers is awareness and debate. It has also inspired action. Russian activists used earth hour to publicise a petition to protect Russian oceans from oil contamination. The petition gained more than 120,000 signatures and eventually led to a new law being passed. Raising awareness, even if only for a single hour, can be a springboard for other forms of direct action.

There are those who see sitting in darkness for an hour as a bleak, back-to-the-cave, anti-technology message. It could be seen that way but, for most people, it is about stopping for a moment to reflect not only on the impact of energy use, but on how we often take technology’s positive contribution for granted.

Then, of course, there is the debate about power and decision making that earth hour often leads to. Switching off lights around homes and monuments will clearly not decarbonise an energy system that is run by corporations and tempered through Government-regulated markets. However, even as symbolic a gesture as switching off appliances begins the journey towards the democratisation of our energy system. The smart meter roll-out across the United Kingdom builds on that simple act of switching off and grows awareness of patterns of demand in our homes and businesses. From that step comes the design of white goods and electric cars, for example, that can balance supply and demand through smart

systems that are linked to renewable energy generation in buildings and through the national grid. We can then build solutions on a community scale to use generation from wind farms and from solar and hydro, providing financial benefits that could be so much more widespread. Alongside renewable electricity, we can finally start to deliver on renewable heating, taking waste heat that currently warms the sky to homes where people currently live in fuel poverty.

With all those positive directions for energy, there are real opportunities for individuals, consumers, tenants and councils to drive progress, on their own or collectively through co-ops and municipal energy companies.

A true energy democracy can build on the historic legacy of Tom Johnstone who brought power to the glens and delivered Scotland’s first renewables revolution. We can build political support for Governments worldwide to switch investment away from infrastructure that locks in emissions for generations to come and reinvest in low-carbon infrastructure, from railways to renewables, that will allow us, as citizens, to always make the right choices. That is what I see in the darkness of an earth hour every year: a bright future with energy citizens, and the wellbeing of future generations at its heart. I look forward to that becoming a reality.

18:51

**Ash Denham (Edinburgh Eastern) (SNP):** I thank Maurice Golden for securing chamber time to discuss the issue. As he said, thousands in Scotland joined thousands around the world to turn off their lights and stand up for protecting the planet. Here in Edinburgh, many landmarks, organisations, businesses and people took part in WWF’s earth hour. More than 1,000 Scottish schools participated, such as Craigentenny primary school in my constituency. For students there and across Scotland, earth hour provided an opportunity to spend the day learning about environmental issues and how important it is to protect our planet.

Edinburgh restaurants shut off their lights and held special events by candlelight. Edinburgh residents took to Twitter to post photos of themselves celebrating earth hour by reading or doing work by candlelight. Edinburgh’s greatest landmark, Edinburgh castle, went dark just after lighting up green in support of the environment.

Those activities were on top of 81 members of the Scottish Parliament taking part in earth hour. It is reassuring that something as vital as protecting our environment and fighting climate change is such a shared priority among all the parties and the constituents who we represent. Scotland has

done a tremendous amount to be a leader in environmental stewardship and in tackling climate change.

Reducing the amount of energy that we use is a good way to fight climate change. By way of personal example, I have changed my approach to the matter over the years. When I was a child in the 1980s, I found a friend's father quite scary, possibly because he was a black belt in karate, but also because he had a cast-iron policy that lights should be off in an empty room. He would shout aggressively at all his family members to make sure that they complied with that policy. As a child, I compared what was going on in that home with my home, where all the lights were on and nobody seemed to be too bothered about it.

At the time, I felt glad that my family lived that way, but if we fast forward a few decades, I now religiously turn off all the lights in empty rooms. Although my beseeching my kids to do the same seems to have fallen on deaf ears so far, if I judge by the amount of time that I go around after them turning off bathroom lights, unwatched TVs and unused radios, I hope that what I say will sink in eventually. If I can change—even if it took a while—that is reassuring and gives me hope that we can expect further behavioural change on the issue.

Earth hour is an opportunity to reaffirm our commitment to protecting the planet. I commend all the MSPs who took part in it and WWF for working in close partnership with the Parliament. It has reinvigorated our commitment—in Edinburgh, across Scotland and around the world—to supporting the environment. Let us all continue to work in partnership in supporting the environment and ensure that Scotland remains a global leader in environmental stewardship.

18:54

**John Scott (Ayr) (Con):** I declare an interest as a farmer and as a food producer with an interest in climate change and environmental enhancement and protection that goes back at least 25 years.

I congratulate Maurice Golden on securing the debate, which allows him to demonstrate his enthusiasm and that of the Conservative Party for proactive environmental improvement and efforts to address climate change. I also thank WWF for its helpful briefing note.

For me, the journey began in the 1990s, when I was the chairman of the Ayrshire farming and wildlife advisory group, known affectionately as FWAG. That is why I was very much in favour of earth hour 2017. I congratulate everyone across Scotland who took part in it. I congratulate Conservative-led South Ayrshire Council for its six-year campaign on the issue, which is why it

has been awarded a super local authority badge by WWF.

More important, I congratulate all those who took part in earth hour in my Ayr constituency, and particularly our enthusiastic and dynamic school pupils and their teachers. From the list that I have been given, it appears that almost all primary and secondary schools in Ayr, Prestwick and Troon took part in some way in marking earth hour. It would take too long to mention them all.

In addition, South Ayrshire Council staff in Ayr, Prestwick and Troon, as well as NHS Ayrshire and Arran staff, took part in this now significant event in the South Ayrshire calendar. I congratulate them, too. All the events and projects are important, not only because they encourage awareness among our local people of what a magnificent place we live in but because they may inspire our schoolchildren to go out and make a difference to our planet's future.

What needs to be done to meet our climate change targets is beyond doubt. If we inspire our school leavers and students to be part of the generation that defines itself by its efforts to tackle climate change, that will not just involve self-interest on their part but affect the very future of the earth as we know it.

Low-carbon policies are more essential than ever and a determined commitment will be needed from us all to tackle emissions from areas where we have thus far been less than successful in Scotland. The insulation of homes and buildings must continue to be improved; money that is spent on that will provide many bangs for the same buck because, in addition to reducing emissions, it will reduce fuel poverty and improve all areas of physical and mental health. By encouraging the use of electric vehicles, we have the potential to deliver much-needed reductions in transport emissions. A combination of regulation and investment to develop that is overdue. That particularly applies to short journeys. I was surprised to be told recently that using an electric quad bike, and not a petrol one, could save up to £3,500 a year per bike on a farm. That is remarkable.

That takes me back to agriculture and food production, where I know that more can be achieved as a result of continued development of co-operation and collaboration, not just in the production of food from farming but in better off-farm supply-chain management.

Under James Withers's leadership, Scotland Food & Drink is successfully finding the markets for our finished food and drink production. The difficulty for food processors will shortly become the sourcing of sustainable and economic

authentic Scottish produce to meet the growing demand to create our high-quality end products.

There is much to be done to develop sustainable low-carbon policies, particularly in the fields of insulation, transport and food production. It is a challenging area of work, but it also provides an opportunity for our future generation. That is why the catalytic and inspirational effect of earth hour is hugely worth while and vital. I again congratulate Maurice Golden on bringing the motion to Parliament.

18:58

**The Cabinet Secretary for Environment, Climate Change and Land Reform (Roseanna Cunningham):** I admit that I was not sure whether to commiserate with or congratulate Maurice Golden on tonight's debate—commiserate with him for being a month late or congratulate him on being 11 months early. I am not quite sure whether the debate will count for two years' worth—Graeme Dey is obviously the one keeping the stats on that—but I am surprised to find that it is only the third such debate in the history of the Parliament.

The success of earth hour is obvious, and I do not need to repeat some of the stats that have been referred to. The participation of hundreds of millions of people across the planet demonstrates that success. In Scotland this year, as part of earth hour, a massive 4,600 people backed a strong Scottish climate action plan for the Scottish Government. It is a strong show of support for the Government's continued action on climate change.

I am delighted to add my congratulations to WWF, and to everyone who made this year's earth hour a success. My house is always in darkness for earth hour, apart from a few candles perhaps, and it is not really a difficulty. Mark Ruskell was correct to point out that it reminds us that we sometimes take technology for granted.

Scottish Government support for earth hour this year enabled WWF Scotland to co-ordinate engagement across the country, from local government and the wider public sector to schools and local community groups. We have heard about lots of examples of that.

The Scottish Government switched off St Andrew's House, Victoria Quay, Atlantic Quay and Saughton House. Glasgow City Council is also to be commended for its choice of earth hour to launch its partnership with Pittsburgh to share experiences and learning of how to create more sustainable and low-carbon cities. That was a fine way to mark the occasion with an action that people might not have been thinking about. Everybody was thinking about switching off but, in

another sense, Glasgow City Council found a way to switch on, which was very good.

Maurice Golden was right to emphasise the enormous buy-in. As he recognised, Scotland is a world leader in tackling climate change and has made strong progress against ambitious statutory targets. It is no small thanks to the cross-party commitment in the chamber that we have achieved this. Scotland is one of only a small number of countries that have enshrined long-term emissions reduction targets in legislation. Because we have done it, we might assume that it is normal, but it is quite rare. Sweden is the only one of the EU15 states that has achieved greater reductions than Scotland.

Members have talked about our draft climate change plan, which sets out how we propose to drive emissions down further by 66 per cent by 2032. The plan, together with our energy strategy and a new climate change bill in response to the Paris agreement, will deliver a low-carbon transition for Scotland that promotes social inclusion and sustainable growth. Of course, as a number of members have also said, we can never pause. We have to keep moving on this one. The 2015 Paris agreement has seen 195 countries adopting the first-ever universal, legally binding global climate deal.

Despite the slightly depressing news that occasionally emanates from the White House in this particular policy area, it is worth remembering that there are other American actors who have different agendas. The First Minister met Governor Jerry Brown of California earlier this month, and they agreed to work together to support the Under2 Coalition, which now covers more than 1 billion people and a third of the global economy, to help prepare for a major summit in 2018. That is important. Earth hour demonstrates that, when we act collectively, we have the power to make a difference. That is true internationally, as well as at the local and individual level.

Of course, influencing everyday actions is key to delivering our climate change ambitions. We know the key actions where individuals and households can really make a difference; they range from home energy and travel choices to reuse and avoiding food waste. The outcomes and associated actions in the climate change plan must be supported and owned by the people of Scotland. We know that the majority of people do not discuss climate change regularly, although many are actively involved in climate-friendly behaviours at home, work or in their communities.

As part of on-going engagement with the public, starting in summer 2016, we initiated a series of climate conversations across Scotland to take the temperature of public views on climate change and actions that might be needed to tackle it. That

pioneering approach is the first of its kind in the UK, and it represents a step change in our approach to public engagement. The conversations are continuing across Scotland, and we have developed free resources, including a how-to guide, to help as many organisations and community groups as possible to participate in the climate conversations.

Claudia Beamish talked about the climate challenge fund. Since 2008, the Scottish Government has given funding of around £85.8 million to 622 communities across Scotland to take forward local action on climate change. I do not think that there is anything like that anywhere else in the world. That is another thing that we need to remind ourselves: this country is sometimes pioneering.

Maurice Golden quoted some poetry. I will close with a very short MacDiarmid poem called "The Bonnie Broukit Bairn". Some might know it, and some might not, but it is appropriate for this debate:

"Mars is braw in crammasy,  
Venus in a green silk gown,  
The auld mune shak's her gowden feathers,  
Their starry talk's a wheen o' blethers,  
Nane for thee a thochtie sparin'  
Earth, thou bonnie broukit bairn!  
—*But greet, an' in your tears ye'll drown*  
*The haill clanjamfrie!*"

Fixing climate change will stop the earth greetin.

**The Deputy Presiding Officer:** I hope that the official report got that bit.

*Meeting closed at 19:05.*



This is the final edition of the *Official Report* for this meeting. It is part of the Scottish Parliament *Official Report* archive and has been sent for legal deposit.

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